
Dublin Improvement.

R E P O R T

OF THE

COMMISSIONERS

OF

HER MAJESTY'S

WOODS, FORESTS, LAND REVENUES, WORKS AND BUILDINGS,

ENCLOSING THE

REPORT of the SURVEYING OFFICERS appointed under the above Act.

TO THE HONOURABLE THE KNIGHTS, CITIZENS AND BURGESSES
IN PARLIAMENT ASSEMBLED.

THE COMMISSIONERS of Her Majesty's Woods, Forests, Land Revenues, Works and Buildings beg to report to your Honourable House,—That having, on or before the Thirtieth day of November last, received a Notice in writing of an intention to apply to Parliament during the present Session for an Act "For the Improvement of the Borough of Dublin," they appointed *Abraham Haywood*, Esquire, of the Inner Temple, one of Her Majesty's Counsel learned in the Law, and *Charles Peter Brassington*, of No. 5, Bachelor's Walk, Dublin, Land Surveyor, to be Surveying Officers for the purposes of an Act passed in the tenth year of the reign of Her present Majesty, intituled, "An Act for making preliminary Inquiries in certain Cases of Application for Local Acts," in so far as the said Act relates to the said intended application; and that the said Surveying Officers having, by virtue of the said appointment, and in pursuance of the provisions of the said Act, proceeded to Dublin, and having made such local examination and survey of the district which such proposed Act will affect, and of the neighbourhood thereof, and such inquiries relative to the extent of the provisions of the proposed Act, and having investigated such other matters relating thereto as the said Commissioners have ordered, have, by a Report under their hands, certified to the said Commissioners the result of such their examination and survey. And the said Commissioners beg to lay before your Honourable House the said Report of the said Surveying Officers, with a verbatim copy thereto annexed of all the Evidence produced before the said Surveying Officers, and on which their said Report is founded.

MORPETH, { Commissioners of Her Majesty's
A. MILNE, { Woods, Forests, Land Revenues,
Works and Buildings.

Office of Woods, &c., }
27 February 1847. }



LOCAL ACTS.—PRELIMINARY INQUIRIES:

9 & 10 VICT. c. 106.

R E P O R T

BY

ABRAHAM HAYWARD, Esq. Q. C., AND
CHARLES PETER BRASSINGTON, Esq. Laud Surveyor,

ON THE

Dublin Improvement Bill.

To the Commissioners of Her Majesty's Woods, Forests, Land Revenues,
Works, and Buildings.

MY LORD AND GENTLEMEN,

WE the undersigned, having been duly appointed by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, by virtue of the powers vested in them, or any of them, in and by an Act of Parliament passed in the 9th & 10th years of the reign of Her present Majesty, intituled, "An Act for making preliminary Inquiries in certain cases of Applications for Local Acts," to be Surveying Officers respectively for the purpose mentioned in the said Act, in so far as respects an intended application to Parliament for an Act in relation to the Dublin Improvement Bill, of which intended application to Parliament notice in writing was, on or before the last day of November 1846, delivered at the Office of the said Commissioners; and having been, under and by virtue of such appointment, authorized and required to proceed to Dublin, and to make such local examination and survey of the District which the proposed Act will affect, and of the Neighbourhood thereof, and such inquiries relative to the extent of the provisions of the proposed Act, and investigate such other matters relating thereto as are mentioned and contained in a certain Schedule of Instructions accompanying the said Appointments; and being further directed to make a full and detailed Report to the said Commissioners, in writing under our respective hands, of the acts done, and the proceedings had or taken by us in pursuance of our said Appointments, and of the Instructions thereto annexed; Do hereby certify under our respective hands, that (the undersigned *Abraham Hayward* having proceeded to *Dublin*, and the undersigned *Charles Peter Brassington* being a resident therein) we have duly made such local examination and survey as aforesaid, and such inquiry relative to the extent and provisions of the proposed Act, and investigated such other matters relating thereto as are mentioned in the said Schedule and appeared to us within the scope of our said Appointments. And we do hereby report as follows, as to the acts done and proceedings had or taken by us in pursuance of our said Appointments and Instructions:

The direct and immediate object of the proposed Bill for the Improvement of the Borough of Dublin (as explained by the Promoters) is not to carry out any definite or specific scheme or schemes for the better draining, paving, cleansing, lighting, or otherwise improving the localities, but to extend and transfer to the Town Council of the Borough all the powers now in force for such purposes or any other purposes of local administration.

Many of the proposed enactments relate to matters with which the Commissioners of Woods and Forests have nothing to do; and we have, as far as possible, restricted our inquiries to matters strictly and properly within their jurisdiction as affecting the streets and buildings, sewerage, supply of water, or (generally speaking) material and physical wants and comforts of the inhabitants.

The proposed Bill recites forty-two Acts of Parliament creating, altering or affecting powers to be transferred to the Town Council. More than three-fourths of these Acts relate to matters within the jurisdiction of the Commissioners of Woods and Forests, and many of them are so complicated and ambiguous as to render it very difficult to determine what the existing powers under them are.

In the course of the Inquiry, it became necessary to examine a great many other Acts of Parliament, as well as numerous deeds and documents of a technical character.

When, therefore, the Promoters of the Bill, as well as the Boards or authorities whose constitution or system of management was impugned, applied to be allowed to appear by Counsel, we thought it best to accede to the application.

In the case also of large and respectable bodies of citizens, we thought time would be saved, and order best preserved in our proceedings, by permitting them to communicate such objections or information as they wished to lay before us through professional organs, instead of requiring the persons constituting such bodies to appear individually, except with respect to statements requiring confirmation upon oath.

The following Counsel appeared:

Mr. O'Hea and Sir Colman O'Loughlen, for the Promoters of the Bill.
 Mr. Murphy, Q. C., and Mr. Henderson, for the Paving Board.
 Mr. George, Q. C., for the Wide Street Commissioners.
 Mr. Perrin, for the Secretary and Treasurer of the Term Grand Juries.
 Mr. Tomb, Q. C., and Mr. Dobbs, for four or five hundred of the most respectable Inhabitants and Ratepayers of Dublin.
 Mr. Murphy, Q. C., and Mr. Armstrong, for the Chamber of Commerce.
 Mr. Rolleston, for a large body of the Ratepayers of St. Andrews' Parish.
 Mr. Armstrong, for the Trustees of the Royal Exchange.

The Promoters of the Bill opened their case at length, and laid before us such Evidence as they thought fit. The Boards above mentioned, and several other objecting parties, were fully heard. The Counsel for the Promoters were frequently heard on incidental points, and had the general reply.

Besides examining all the witnesses called, and inspecting all the documents produced, by the Promoters as a part of their original case, we availed ourselves of the authority reposed in us to examine other witnesses and resort publicly to independent sources of information; giving in each instance full notice of our intentions, and stating from time to time in what manner, in our opinion, the various facts and documents bore upon the points.

We also announced at the commencement that we were willing and anxious to receive communications from all parties interested, so far as this could be done without an undue loss of time or an inconvenient interruption of the prescribed order of proceeding; and many valuable communications were consequently made to us by persons volunteering to give information or suggesting incidental doubts and inquiries. No person presenting himself for the purpose of giving material information, was refused an opportunity of communicating it during the whole progress of the investigation.

By these means, we believe we have succeeded in ascertaining all the principal local facts and circumstances which ought to be taken into consideration in legislating for the city of Dublin on the subjects submitted to us; but it was found impossible to take all the evidence on each subject consecutively, or in what might be thought its proper place or natural order. One great advantage of a local inquiry is the facility of sending for additional or explanatory evidence

as it may be required. When such necessity arose, we were often compelled to postpone the specific topic of inquiry, and occupy the interval with some other topic. The convenience of Counsel and other persons also led to frequent postponements of particular heads, and to apparent digressions.

The plan we propose to adopt in this Report is to describe, first, the existing Boards and authorities; secondly, the present condition of the city, as regards paving, lighting, supply of water, drainage, and width of streets, as well as its sanitary condition generally, as affected by these and other matters of the same class; thirdly, the constitution of the Town Council, and its comparative fitness to frame and administer an improved and comprehensive system of local administration.

The origin and constitution of the existing Boards within the scope of our Inquiry are fully stated in the Appendix to the Report of the Commissioners appointed to inquire into the Municipal Corporations of Ireland, printed in 1835; down to which year the history of these Boards is clearly traced. They are:

1st. The Commissioners for paving, cleansing, and lighting the Streets of Dublin, commonly called "The Paving Board."

2d. The Commissioners for making wide and convenient Streets, commonly called "The Wide Street Commissioners."

3d. The "Term Grand Juries."

1st. *The Paving Board.*—The history of this Board is curious, as showing the variety of plans of local administration which have been tried and failed successively. The duty of paving and cleansing the city was originally imposed upon the Corporation. The earliest Act of Parliament on the subject was passed in 1717 (4 Geo. 1, cap. 11), and after reciting the insufficient repair and defective paving of the streets, throws the chief responsibility as regards the city on the Lord Mayor, who (with one of the Sheriffs and two of the Aldermen chosen by him) is to direct the levelling and paving, raising and mending of the pavements, and empowered to charge the chief tenants inhabiting houses, and the owners of waste ground, with the expense of paving, altering, and amending the pavements before their houses and grounds, so as it should not exceed 20 s. at a time. The "Scavenger of the City" was to carry away the dirt two days in each week, and the inhabitants were compelled to sweep before their houses on those two days before nine in the morning, so that the dirt might be ready for the scavenger.

In 1719 (6 Geo. 1, c. 15), it being found, as recited, that it was almost impossible for the Lord Mayor to see the former Act put into execution on account of the great extent of the city, the Aldermen and Deputy-aldermen were joined with him, and empowered to regulate the pavements in their respective districts.

In 1729 (3 Geo. 2, c. 13), the whole of the powers created by the preceding Acts were vested in the Lord Mayor; the churchwardens and directors of the police being required to examine and return all defects in paving and cleansing.

Forty-five years then elapsed without legislative interposition, but in 1774 (13 & 14 Geo. 3, c. 22), a corporate body called "The Commissioners for Paving the Streets of Dublin," was created, consisting of the Lord Chancellor, the Chief Justices, the Lord Mayor, Recorder, Sheriffs, 16 Aldermen, and 15 Common Councilmen, (to be elected in Common Council by ballot), the Archbishop of Dublin and the Seneschal of the Manor of St. Sepulchre, the Lord of the Manor and the Seneschal of the Manor of Thomas Court and Donora, the Deans of Christchurch and St. Patrick's, and 37 persons named in the Act.

In 1776 (15 & 16 Geo. 3, c. 20), a certain qualification was required in the Commissioners and Committee-men, and new Commissioners were added.

In 1782 the last-mentioned Board was dissolved, and a new Board formed, consisting of the Lord Mayor, Recorder, Sheriffs, and two senior Aldermen (no Common Council men), two senior Sheriffs' Peers, the Members of both Houses of Parliament, and 67 persons named in the Act.

In 1784 new provisions were imperatively demanded, but lighting, as well as paving and cleansing, was included in the Act then passed, and it therefore becomes necessary to see how the lighting of the city had hitherto been provided for.

The first legislative measure regarding lighting was an Act of 1697 (9 Will. 3, c. 17), by which the Corporation were empowered to cause public lights to be erected and maintained. They deputed their authority to merchants of the city, (first one and then two,) by whom the duty was performed, under contract, until 1759, when an Act was passed (23 Geo. 2, c. 18) providing that the parishioners of the several parishes should light the lamps of their parishes and liberties; the lamps to be of such sort and fashion as the Corporation should deem proper; and the Corporation were further annually to name the extreme amount to be paid to the respective contractors by the parishes.

The lighting was provided for in this manner until 1784, when it was considered expedient that the cleansing, lighting, paving, and sewerage should be placed under the care of one and the same body, and accordingly (by 23 & 24 Geo. 3, c. 57) seven persons were named to be "Directors" of the paving, cleansing, and lighting, without salary, fee, or reward; and they were empowered, with the approbation of the Lord Lieutenant, to appoint five Commissioners to be paid 1 l. each for each day's attendance, and the several powers of the several Acts were vested in the Directors and Commissioners; the Directors being empowered to remove the Commissioners, with the assent of the said Lord Lieutenant, and also to appoint to vacancies in their own body.

These Directors and Commissioners were incorporated, and, among other duties, were to erect public fountains, the number not to exceed 20. Additional rates were authorized, and a composition was to be paid by the Corporation for the cleansing of the streets and paving parts of the city, certain tolls and customs being held by them in trust for the purpose.

In 1786 (26 Geo. 3, c. 61), a discretionary power of erecting fountains without restriction as to number, as well as of watering the streets, was conferred; all pre-existing powers were consolidated, and new provisions were made regarding the debt, thereby raised to 55,000 l. and upwards, and charged on the rates.

The water for the fountains and watering the streets was to be supplied by the Corporation; and by an Act of 1788 (28 Geo. 3, c. 50, s. 101), the Commissioners were empowered to pay 150 l. per annum for the accommodation.

In 1790, 1797, and 1800, additional Acts were passed; but in 1805 a sweeping reform was again found necessary. Two Commissioners of Inquiry were appointed, and, on their Report, the powers of the Board were suspended, and new administrators temporarily appointed.

In 1807 [47 Geo. 3 (loc. et pers.), sess. 2, c. 109], all former enactments were repealed; the Commissioners and other officers were pensioned off, and the present Paving Board was created.

This Board consists of three paid Commissioners (Members of the House of Commons being declared ineligible), appointed by the Lord Lieutenant, and removable by him at pleasure. The salary of the Chief Commissioner is not to exceed 600 l. a year; nor the salaries of the other Commissioners 300 l. a year each. They are constituted a Corporation, by the name of "The Commissioners for Paving, Cleansing, and Lighting the Streets of Dublin," and two form a quorum. The following officers are also appointed by the Lord Lieutenant, during pleasure; namely, two supervisors, one for each side of the Liffey, at 400 l. a year each; a secretary, at 200 l. a year; and a treasurer, at 500 l. a year. The Commissioners are to appoint collectors, not less than four nor more than eight, removable at pleasure, and to be paid at a rate not exceeding 2½ per cent. on the sums collected; and they are empowered to employ other officers and servants, and to pay them by salaries or allowances, so long as these do not exceed 2,500 l. a year. Parliamentary provision was made for paying off a debt of 97,000 l. incurred by the old Boards, and for defraying the charges of paving, repairing, and lighting the streets and other public passages within the limits of the Circular Road. The Commissioners were empowered to levy one or more rates

rates annually, on houses and other buildings, so as the same shall not, in any one year, exceed 4s. 6d. in the pound on houses, &c. of or above 10l. yearly value, nor 2s. 6d. in the pound on those below.

The Corporation were to pay 350l. a year for the paving &c. of certain places, 20l. a year for certain lamps, and 2,000l. a year towards the cleansing of the streets; 20,000l. was granted by Parliament for paving the principal streets with granite, and 20,000l. for making sewers. The Commissioners are empowered from time to time to order streets, &c. to be paved, repaired, or altered; and in case of new streets, they may order the builders or other owners or occupiers to attend and compound for the charges of paving or making footways and sewers, and in case of default to order the same to be done, and sue the defaulter for the cost.

The Board are empowered to make any number of fountains, and to cause the streets to be watered. They are also empowered to make sewers or cesspools, and levy the charge on the owners or occupiers whose drip or drop shall run into the same; and to make sewers, drains, and cesspools in streets inhabited by poor persons, and charge the whole or a portion of the expense on the rates. They have powers to compel the cleansing of private drains and sewers at the expense of the occupier or owner; powers to enlarge public passages, so long as they do not interfere with the Wide Street Commissioners; and powers to contract for the lighting of the streets. Provisions are introduced to regulate the Works of the Board and those of the Pipe Water Committee (by whom water required for the fountains and watering of the streets is or ought to be supplied), as well as provisions for preventing various kinds of obstructions and nuisances in the streets.

Detailed information regarding the conduct and proceedings of the Board thus constituted, for a period of nearly 30 years after its creation, is contained in the Report on Municipal Corporations (Ireland) already mentioned; but it is right to state, that persons whose conduct was censured in that Report, complained to us of its having been made (as regards the Boards not strictly within the scope of the inquiry) on *ex parte* evidence, and requested permission to explain any personal matter that might be deemed material. There can be no doubt, however, that (as stated in that Report) great abuses were discovered in 1825, through the instrumentality, in a great measure, of one of the present Commissioners, Mr. Smyth; and a Commission of Inquiry was consequently issued to two barristers, who made a Report in 1826, pointedly commenting on the maladministration of the funds.

In 1827, Mr. Smyth was promoted to be Chief Commissioner, and Mr. Kearney and Colonel (now Sir George) Morris were appointed Commissioners with him. These three have remained in office ever since, and now constitute the Board. It is admitted that great improvements have been effected by them in the system of management, but the Municipal Corporation Commissioners expressed a strong opinion, in 1835, that economical reforms might be carried further with advantage to the public; and although some reductions have been made during the intervening period in the expenditure on the establishment, it is still on too expensive a scale.

The following Table was supplied to us by the Secretary:

No. 1.—EXPENDITURE on Establishment (under the Heads specified at Page 90 in the Appendix to the Report on Municipal Corporations in Ireland).

ESTABLISHMENT.						Amount Paid in the Year ended in January 1847.
						£. s. d.
1st. For annuities	-	-	-	-	-	738 9 4
2dly. For salaries and allowances:						
To officers appointed by the Lord Lieutenant	-	-	-	-	-	1,470 10 -
The three Commissioners	-	-	-	-	-	-
The Secretary	-	-	-	-	-	270 18 -
The Treasurer	-	-	-	-	-	200 - -
The two Supervisors of works	-	-	-	-	-	738 8 -
124—77.				A 3		(continued)

ESTABLISHMENT.					Amount Paid in the Year ended in January 1847.		
					£.	s.	d.
To officers appointed by the Commissioners	-	-	-	-	—	—	—
To Collectors	-	-	-	-	—	—	—
At 8d. in the pound on the general paving and lighting tax	-	-	-	-	898	6	7
On assessments for watering	-	-	-	-	69	1	11
— " sewers	-	-	-	-	24	4	10
— " paving	-	-	-	-	12	14	11
— " flagging	-	-	-	-	8	17	1
— " inclosing	-	-	-	-	—	14	—
					£.	s.	d.
To other officers and servants whose salaries and allowances are returned by the Commissioners under the head of Salaries	-	-	-	-	1,645	10	6
					£.	s.	d.
To other officers and servants whose salaries and allowances are returned under other heads; viz.	-	-	-	-			
Inspector of lighting	-	-	-	100	—	—	—
Foreman of scavenging	-	-	-	630	10	—	—
— paving	-	-	-	171	12	—	—
— macadamizing	-	-	-	130	—	—	—
— flagging	-	-	-	135	4	—	—
— sewers	-	-	-	29	—	—	—
Inspector of nuisances	-	-	-	—	—	—	—
Turncocks of fountains	-	-	-	—	—	—	—
Gratuities to turncocks of Pipe-water Committee	-	-	-	19	2	3	—
Miscellaneous gratuities	-	-	-	—	12	6	—
Charitable allowances	-	-	-	9	10	—	—
					1,226	—	9
3dly. For incidental expenses	-	-	-	-	—	—	—
					£.		
					7,755	—	11

Paving House, 1 February 1847.

W. J. Dillon, Treasurer.

The annuities are those payable to the superannuated or discharged members and officers of the Board abolished in 1807. These, in 1835, amounted to 830*l.* 1*s.* 8*d.*, but the gross amount of expenditure in 1835, under the head of Expenditure on establishment, amounted to 9,179*l.* 12*s.* 5*d.*

The following Table shows precisely how the establishment is composed:

LIST OF Commissioners and Officers in the Paving Board Establishment at Annual Salaries.									
COMMISSIONERS, OFFICERS, &c.									
Richard Smyth, esq., Commissioner	-	-	-	-	-	-	-	553	17
Sir George Morris - ditto	-	-	-	-	-	-	-	461	11
H. Kearney, esq. - ditto	-	-	-	-	-	-	-	461	11
John Reilly, esq., Secretary	-	-	-	-	-	-	-	278	18
Richard Clarke, clerk in Secretary's office	-	-	-	-	-	-	-	150	—
Richard Landy ditto - ditto	-	-	-	-	-	-	-	130	—
H. McMillan - ditto - ditto	-	-	-	-	-	-	-	105	—
M. Langtry - ditto - ditto	-	-	-	-	-	-	-	70	—
M. J. Dillon, Treasurer	-	-	-	-	-	-	-	200	—
William Pigott -	-	-	-	-	-	-	-	100	—
Henry Doyle, clerk in Treasurer's office	-	-	-	-	-	-	-	90	—
D. J. Thacker, ditto - ditto	-	-	-	-	-	-	-	85	—
Edward Mitchell, bookbinder	-	-	-	-	-	-	-	150	—
Daniel Smith, clerk ditto office	-	-	-	-	-	-	-	70	—
Francis Salmon, inspector of taxes	-	-	-	-	-	-	-	150	—
John Gratton - clerk - ditto	-	-	-	-	-	-	-	62	—

	£.	s.	d.
Denis Kinsella, storekeeper - - - - -	70	-	-
William Tassie, supervisor of works - - - - -	360	4	-
William O'Hara ditto - ditto - - - - -	360	4	-
Ch ^r Flynn, assistant supervisor of works - - - - -	80	-	-
L. R. Mooney ditto - ditto - - - - -	100	-	-
J. McClelland ditto - ditto - - - - -	78	-	-
John Graddis, supervisor of horses - - - - -	73	13	4
James Doherty, overseer of manure depôts - - - - -	65	-	-
John Dowd - ditto - - ditto - - - - -	65	-	-
James Ballard ditto - - ditto - - - - -	65	-	-
Thomas Kelly - ditto - - ditto - - - - -	52	-	-
Chas. McDonnell, ditto - - ditto - - - - -	52	-	-
James Fleming, overseer of stoneyard - - - - -	65	-	-
John Norris - - - - -	52	-	-
John McDermott - - - - -	52	-	-
William Donagoo - - - - -	52	-	-
Mr. Mucks - - - - -	52	-	-
Peter Dunne - - - - -	52	-	-
R. M. White - - - - -	52	-	-
George Wright, inspector of lamps - - - - -	100	-	-
£.	5,080	18	4

The minutes and accounts appeared on inspection to be well kept; but it is difficult to understand how so many persons can be constantly employed upon them. We called for an account of the receipts and expenditure of the last year, and the following account was delivered to us:

RECEIPTS.

Balance at 1 st January 1881.	F & E		WINDS ORIGINALLY Allocated by the Board, and then charged on the Comptroller for					Sundry Receipts.	CONTRIBUTION Received by the Comptroller of the City of London.			F & E		From other Officers and Commissioners.	Deposits for Revenue.	Miscellaneous.	TOTAL.
	Printing and Lithography.	Stationery.	Printing.	Stationery.	Printing.	Stationery.	Printing.		Stationery.	Lithography.	Printing.	Stationery.					
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1881 F. 1.	10,000 0 0	1,000 0 0	100 0 0	1,000 0 0	100 0 0	100 0 0	100 0 0	100 0 0	100 0 0	-	100 0 0	-	100 0 0	1,000 0 0	100 0 0	100 0 0	10,400 0 0

DISBURSEMENTS.

Printing.	Stationery.	Lithography.	Stationery.	Printing.	Contribution from the City of London.	Sundry Receipts and Expenses.	Advertising and Propaganda.	£. s. d.	Printing.	Stationery.	Lithography.	Stationery.	Printing.	Stationery.
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1881 F. 1.	1,000 0 0	1,000 0 0	1,000 0 0	1,000 0 0	1,000 0 0	1,000 0 0	1,000 0 0	1,000 0 0	1,000 0 0	1,000 0 0	1,000 0 0	1,000 0 0	1,000 0 0	1,000 0 0

Printing.	Stationery and Expenses.	Lithography and Expenses.	Stationery.	Printing.	TOTAL.
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1881 F. 1.	1,000 0 0	1,000 0 0	1,000 0 0	1,000 0 0	1,000 0 0
London and Foreign Branches.	1,000 0 0	1,000 0 0	1,000 0 0	1,000 0 0	1,000 0 0
£.	1,000 0 0	1,000 0 0	1,000 0 0	1,000 0 0	1,000 0 0

1882 F. 1.

W. J. Carter, Treasurer.

The increase in expenditure which this table (when compared with tables for former years produced before us) shows to have taken place within the last 10 or 12 years (from 10 to 15 per cent.) was accounted for by the system of macadamizing, by which the expenses of making, repairing, and cleansing the streets are increased, and the profits from scavenging reduced; the scrapings of a macadamised street being of little value as manure.

The 28th section of the Act of 1807 constituting the Paving Board, requires them to present annually to the Lord Lieutenant, on or before the 5th of January, a Report containing a general statement of their proceedings, a particular detail of any difficulty experienced in the execution of the Act, or of any deficiency or inconvenience in the existing law, and suggesting such remedies as shall appear to them most likely to promote the purposes of their institution. Their Reports for the last two years were laid before us, and the last will be presently mentioned more particularly.

They have omitted to report on one inconvenience in the existing law, on which they relied as their excuse for retaining in their service an officer, charged with onerous and important duties, which he is confessedly incapable of discharging from old age. We allude to Mr. Tassie, the supervisor of the south side of the river, who has held that office for 40 years, and is now considerably past 70. The appointment is in the Lord Lieutenant, and although a discretionary power of removal is vested in the Board, they have no power of pensioning off or giving a retired allowance, and have been naturally unwilling to discharge an old and (so long as his strength lasted) valuable officer under such circumstances. The evil consequences will be made apparent when we come to the topic of sewerage.

The most material charge brought against the Paving Board (in addition to the general charge of irresponsibility brought against all the Boards,) was that, from its constitution, it was peculiarly liable to Castle influence, and (in a less direct manner) to the influence of persons of rank and station.

The liability to Castle influence in the case of Commissioners appointed during pleasure by the Lord Lieutenant, is undeniable; but the only instance given to illustrate the effects of such influence was one elicited during the cross-examination of Mr. Reilly, the secretary. The Paving Board having occasion to provide anew from 1846 (when the prior contract ended), for the lighting of the city by gas, were unable to come to terms with the contractors. They conceived that competition was virtually excluded by private agreements between the Gas Companies; and in this state of things they suggested to the Government the expediency of constructing public gas-works. The Government disapproved of this suggestion, interfered to reconcile the difference, and having succeeded in bringing about the required concession, recommended the Paving Board to contract anew with the Hibernian Gas Company; and a contract was accordingly entered into with that Company for a period of 15 or 20 years at the option of the contracting parties respectively. It struck us that the Castle influence was here most beneficially exercised; and the secretary of the Board stated that, assuming the necessity of a new contract with a Company, the terms were as good as could be expected, and a decided improvement on the last. He added, that the only difference of opinion between the Government and the Paving Board related to the expediency of constructing public gas-works.

Two supposed examples of indirect influence were adduced. One was the covering of part of the footway round St. Patrick's Cathedral with asphalt, and leaving the approach to the Catholic Chapel in Westland-row without either asphalt or flagging; the Dean and Chapter having made an application to the Board, and no application whatever having been made on behalf of the frequenters of the chapel or the inhabitants of the vicinity.

Another was the paving of a lane leading to several sets of stables, including stables belonging to the Dean of St. Patrick's. The Dean formally memorialized the Board to order the paving in question, and his memorial was duly entered on their minutes. They inspected the place, ordered it to be paved, and charged the expense on the occupiers of the adjoining premises receiving benefit from the work, in supposed accordance with the Act. All the occupiers but one paid their shares of the charge; one, Mr. Wrixon, a barrister, refused, and they dis-

trained for his share. He brought an action, to which the Board pleaded the general issue, their law advisers not being aware of a (then) recent Act, limiting the legal effect of that plea. In consequence of this oversight, the action was virtually undefended, and the plaintiff obtained a verdict for the value of the property seized.

This was adduced to show not only the liability of the Board to undue influence, but their tendency to engage in unnecessary litigation; and another lawsuit with the same gentleman was mentioned in proof of the last branch of the charge. It appeared that, considering a public right of way to exist through a lane, alleged by Mr. Wrixon to be his private property and subject to no such right, they ordered an obstruction set up by him to be removed; an action was brought, but on the eve of the trial, and after briefs had been delivered to counsel, the Board were advised that their evidence was not sufficient to prove a dedication to the public, and they suffered judgment by default. We have no means of judging of the degree of discretion exercised in the course of these proceedings except from the result, and from the appearance of the lanes, which seemed to us to favour the conclusions of the Board.

Another class of accusations related to their mode of contracting for the scavenging of the city, which forms a very large item in their expenses.

The contracts (hitherto separate) for carts and horses are from three years to three years. A contract for horses was to end on 12th November, 1845. The advertisement for fresh tenders appeared 25th October, 1845; the tenders were to be sent in by the 12th November, and the work was to commence on the 12th December, in that year; down to which period provision had been made. Five tenders (including one from the former contractor) were sent in; but instead of accepting the lowest, or taking steps to procure fresh officers, the Board entered into a private contract with the former contractor, without communicating with the other competing parties. There was no reason to suppose that the bargain was disadvantageous to the public interests, or that a better could have been made under the circumstances; but competition was virtually excluded, and such a system must always give rise to suspicion and distrust. The tender of the former contractor was not the lowest, but the contract actually made was under any of the tenders.

As regards the contract for carts also, the notice by advertisement was much too short, and the persons whose duty it was to see that the preceding contract was properly executed as regards the quality and state of repair of carts supplied, appear to have been somewhat inattentive in that particular.—(See the Evidence of Messrs. *Mooney, O'Hara, and Haydon.*)

Evidence was given that the scavenging of the city had been insufficiently performed during the last year, and performed very badly indeed during the last two or three months. As to the last two or three months (November and December 1846, and January 1847), the charge was not denied; but, by way of excuse or palliation, it was alleged that the frost had occasioned much of the evil by its effects on the macadamized streets, and that the Board had been greatly embarrassed by the difficulty of getting depôts for the scrapings, and by a breach of contract as to carts. The recent difficulties of the scavenging department are stated in the last Report to the Lord Lieutenant; but we are by no means satisfied that the resulting inconvenience to the public might not have been prevented, or greatly lessened, by due attention and activity.

The accounts of the Board are audited in England, and have not been printed for the public since 1842. The discontinuance of the former practice of printing them was attempted to be justified on the plea of expense; but the annual publication of such accounts as that printed *ante*, p. viii, would cost very little. At the same time, every facility has been uniformly afforded for inspecting the accounts, in evidence of which it was stated by the secretary, that, when Mr. Reynolds, an active promoter of the present Bill, applied to be furnished with information regarding them, he was offered the inspection of any of the books he chose to call for. In fact, the substantial charge against this Board, as regards money matters, evidently is, not that they do not account for what they spend, but that they spend too much; and our impression is, that their establishment is on too expensive a scale, and that the various works and services belonging to the department might

might be more cheaply performed, if the principle of competition were fairly carried out, and more time allowed for preliminary inquiries into the character and resources of persons making tenders before contracting with them.

The Minute books were produced, showing the proceedings of the Board day by day. The Secretary stated that they sit daily during three or four hours, and that there is business enough on an average to occupy them to that extent.

A doubt (which ought to be set at rest by the Legislature) has arisen with regard to the amount of money which the Board may raise in any one year by rates. By the 6 & 7 Vict. c. 102, entitled, "An Act for the more equal Apportionment of certain Rates in the County of the City of Dublin and County of Dublin respectively," it is provided, that "rates shall henceforward be assessed according to the valuation of the poor-rate instead of the valuation for ministers' money, &c., provided that the gross amount to be levied by the Paring Board should not exceed in any one year the amount which they would have been empowered to levy under any preceding Acts, if this Act had not been passed." They have hitherto taken the largest amount levied in any preceding year as their maximum; but, according to this construction, the amount must remain stationary, though the number and value of houses may be indefinitely increased.

The Wide Street Commissioners.—The powers and constitution of this Board are to be collected from twenty Acts of Parliament, beginning with the 31 Geo. 2, c. 19, and ending with 9 & 10 Vict. c. 400. An abstract of the whole will be inserted in the Appendix to this Report. The reason why so many Acts have been found necessary is, because general powers of improvement by widening have never been conferred; but in each instance the particular improvement, the funds for effecting it, and the time within which it was to be effected, have been specified by the Legislature. Each Act, however, is in some sort a re-enactment of the preceding one, with an occasional variation as to the constitution or powers of the Board; and it is remarkable that in the Act of 9 & 10 Vict. c. 400, all the preceding Acts are recited and re-enacted, except as modified by that Act,—a style of legislation which might lead to serious difficulties.

The present Board consists of twenty-five Commissioners; namely, the Lord Mayor of Dublin, with the city and county Members for the time being, and twenty persons appointed for life by the Lord Lieutenant. No qualification of any sort is required, but the twenty non-official members vacate their seats by not attending for six months, and, in point of fact, are all resident in Dublin or the neighbourhood. The following is a list of the members in 1846, with the number of their respective attendances during that year:

NAMES and Number of ATTENDANCES of the Commissioners of Wide Streets for the Year ended 1846.

NAMES.	Number of Attendances.	NAMES.	Number of Attendances.
1. The Right Honourable the Lord Mayor - - -	- for the time being.	14. James Chambers - -	4
2, 3, 4, 5. City and County representatives - - -	-	15. George Roe - - -	12
6. Isaac Matthew D'Olier -	4	16. Jonathan Sisson Cooper -	1
7. Richard Cane - - -	2	17. Leland Crosthwaite -	25
8. Thomas Crosthwaite -	22	18. John M'Donnell - -	6
9. Thomas Richard Needham - - -	3	19. Thomas Wilson - -	5
10. William Edington -	8	20. Walter Sweetman -	10
11. Lieutenant-colonel Staw	6	21. Sir John Power, bart. -	1
12. Sir Thomas Esmond, bart. - - -	1	22. Rev. F. Sadlier, Provost, Trinity College - -	1
13. George Carr - - -	2	23. James Perry - - -	4
		24. John Ennis - - -	2
		25. Lieutenant-colonel H. G. Jones - - -	2

The appointments are admitted on all hands to have been uniformly made on liberal and comprehensive principles. The only attempt made to impugn the composition or character of the Board was by showing that five or six of the members were also directors of an insurance company with which a loan had been negotiated by the Board. But it was not shown that the terms had varied in consequence; the rate of interest was the ordinary rate at the period; applications for the loan were first made in other quarters; the meeting which sanctioned the application was attended by Sir John Burgoyne (then a member) and five other members not directors of the company, of whom only two were present; and in the shape which the objection ultimately took (being at length based exclusively on the fact of members of the Board being also directors of the company), it would probably lie against any numerous body partly composed of commercial men (not excepting the Town Council), in every case of dealing with a company or commercial body of importance.

The Board generally meet every Wednesday; three form a quorum. The members have no salary or emolument. It being obvious that the attendance at periods when no particular measure was in agitation, was no criterion of the general efficiency of a Board of this sort, we requested tables of attendances in relation to specific improvements, and the following were supplied:

NASSAU-STREET IMPROVEMENT.

DATE.	OBJECT.	Number of Commissioners attended.
11 June 1830	Necessary application to Lord Lieutenant to be prepared against next Board day	8
27 - -	Consideration proposed	6
20 March 1839	Improvement to be proceeded with; deputations to wait on the College	9
24 April -	Report of deputation	11
8 May -	Further report	13
26 June -	A further deputation to wait on the College	8
24 June 1840	A special meeting ordered to further consider the subject	7
26 - -	Deputation appointed	7
1 July -	Report; deputation	6
30 Dec. -	College accede to terms	8
6 Jan. 1841	A further deputation, as suggested by the College, appointed	9
20 - -	Report	5
14 May -	Plans of College considered	9
30 June -	Solicitor report on agreement with College	7
14 August -	Assessor appointed	12
2 Sept. -	Inquisition returned	7
20 Oct. -	Inquisition confirmed, and solicitor ordered to lay same before Court of Queen's Bench	6
18 May 1842	Inquisition confirmed	10
22 June -	Solicitor report on conveyance from the College	5
7 Sept. -	Estimate from Paying Board	9
23 - -	Alteration in the levels	6
7 Dec. -	Alteration in plan as suggested by the College	12

GRAFTON-STREET IMPROVEMENT.

24 July 1839	Board to be specially summoned to take into consideration the expediency of proceeding with	4
31 - -	Consideration postponed	4
7 Aug. -	Improvement to be proceeded with	7
1 Nov. -	Inquisition returned	8
6 - -	Solicitor report on grand jury presentment	9
4 Dec. -	Second inquisition returned	4
11 - -	Improvement generally considered	14
5 Feb. 1840	- Ditto - - adjourned	10
25 March -	Resolved to proceed with Report	11

DATE.	OBJECT.	Number of Commissioners attended.
3 April 1840	Report of funds for improvement - - - -	11
8 - -	Inquisition rejected as excessive - - - -	9
6 May -	Memorial and letter from inhabitants to Lord Lieutenant read - - - -	7
13 - -	Answer laid before the Board postponed - - - -	4
20 - -	Answer considered and sent - - - -	9
10 June -	Letter from claimants read - - - -	12
20 July -	Memorial from claimants considered - - - -	11
5 August -	Another letter - - - -	6
14 Oct. -	Report of solicitor, on reduction of claimants - - - -	8
30 - -	Inquisition returned - - - -	6
30 Dec. -	Application for payment - - - -	8

Besides Parliamentary grants from time to time, they have standing sources of revenue. Their principal revenue is derived from a tax of 4*d.* in the pound, levied for them by the collectors of the Grand Jury Cess.

The following table shows its amount and application:—

WIDE-STREET TAX.—INCOME AND STATEMENT OF INCUMBRANCES CHARGEABLE UPON SAME.

	£. s. d.	CHARGES.	£. s. d.
Supposed Income for the year 1847, taken same as 1840.	7,220 10 9	Interest on balance of loan from National Insurance Company, 21,000 <i>l.</i> at five per cent, secured by mortgage - £1,050 - -	
		Instalment in liquidation of same - 1,000 - -	2,050 - -
		Interest on balance of Government debt, 23,703 <i>l.</i> 12 <i>s.</i> , at three per cent. per annum - - £.712 18 -	
		Instalment in liquidation of same - 1,000 - -	1,712 18 -
		Interest on balance of loan from Bank of Ireland, 2,300 <i>l.</i> at five per cent. per annum, secured by mortgage - - £.25 - -	
		Instalment in liquidation of same - 1,000 - -	1,125 - -
		Surplus - - - -	2,332 12 9
£.	7,220 10 9	£.	7,220 10 9

By the 21 & 22 Geo. 3, c. 17, a duty on coals was granted to them; and by 39 Geo. 3, c. 53, a tax on licenses to play cards. These have ceased, but they still possess a fund derived from the former produce of the coal duty, which on 5 January 1847 stood thus:—

	£. s. d.
Invested 3½ per cent. stock - - - -	4,979 10 3
Cash in bank - - - -	964 1 5
In the hands of the secretary - - - -	4 10 4
£.	5,958 11 -

A return inserted in the Appendix to this Report shows the produce and application of the Wide-street tax, from 1833 to 1845, both inclusive. The law charges are regularly taxed, and their large amount was attributed to the peculiar business of the Board, much of which consists in settling titles and conveyances, going before juries, &c. No attempt was made to impugn the correctness of the accounts, and evidence was given that the Board had paid due attention to the pecuniary interests of the public as regards the amount of compensation claimed.

The following is a return of the regular expenses of what may be called establishment:

RETURN of the Number and Description of the Persons employed by or under the Wide-street Commissioners, together with the Amount of Salary or other Allowances paid to every Person or Officer, when exceeding 50*l.* a Year.

PERSONS EMPLOYED.	DESCRIPTION OF OFFICE.	SALARY.			ALLOWANCES.
		£.	s.	d.	
David Henry Sherrard	Secretary and Accountant.	263	1	7	- - Fees on receipt of rents, and on sale of ground rents, and old building materials.
David Henry Sherrard	Surveyor and Civil Engineer.	210	-	-	- - Maps prepared by order of the Board are charged and paid for.
Henry Farran Darley	Solicitor	-	-	-	- - Paid according to business done.

Note.—In the above sum of 263*l.* 1*s.* 7*d.* is included the sum of 40*l.* 3*s.* 1*d.* receivable from the Grand Jury for extra trouble imposed by the duties performed under the Act of 47 Geo. 3.

A Board for the occasional improvement of a city by widening or forming new streets, obviously stands on a different footing from Boards requiring, in all their members, the constant attendance which is only to be expected from paid officers, and the skill and aptitude which can only be acquired from habit and practice. Such a Board should be composed, at least in part, of men of enlarged minds and cultivated taste, as well as of station, property, and character; and the attendance of such men may be secured often enough to prevent malversation and ensure the exercise of a sound, enlightened discretion on all the more important questions that may come before the Body. The late Acts require the assent of the Lord Lieutenant to all plans of projected improvement.

By the Bill of 9 & 10 Vict. c. 400, as originally introduced, powers were to be given to the Commissioners to make a new approach to St. Patrick's Cathedral, and widen St. James's Gate, as well as to remove certain houses which obstruct the streets, and to effect some other alleged improvements particularized in the Bill and Schedule. The granting of such powers was opposed by the Corporation of Dublin, who disputed the necessity of the two principal improvements, alleged that the rates would be increased 3,000*l.* a year, and objected to vesting any new powers in a body so constituted. Among their printed objections we find:—

"That a more comprehensive, sanitary, and municipal improvement measure is in preparation, and will be submitted to Parliament in the next Session by the citizens and corporation of Dublin, whose object is to consolidate all the different Boards having the power of levying rates, and thus simplify the machinery and economize the amount of municipal taxation, now vexatiously and excessively raised from them by this and other bodies, to the extent of 200,000*l.* per annum, and upwards. (This includes poor rates and other charges not affected by the proposed Bill, to the amount of nearly 100,000*l.*) per annum.

"That the measure is unsound in principle, inasmuch as it deposes to Commissioners, who are nominated altogether irrespective of the corporation or the ratepayers, by the Government for life, the power of levying rates to a considerable amount, without being bound to account to the ratepayers for their receipts or expenditures, and without there being any limit put to the period for which the power to tax is given.

"That no Commissioners, such as this Bill continues in power, are known to exist in any other corporate town, and that the city of Dublin is more oppressed by local taxation than any other municipality in the United Kingdom."

They

They further objected before us that the necessity of obtaining an Act of Parliament for each successive improvement had caused a great expense, which would be saved by the passing of their Bill; but this argument in no respect affects the comparative fitness of the Board to be intrusted with such powers as the Legislature may think right to delegate. If the obvious objections to granting powers of pulling down and rebuilding any part of the city at pleasure, could be got rid of in the case of the Town Council by making the approbation of the Privy Council a condition precedent (*see* Sections 91, 92, of the proposed Bill), these objections might be got rid of by the same means in the case of the existing Board. There are still, undoubtedly, many parts of the city requiring the exercise of such powers as have hitherto been vested in it.

The Teren Grand Juries.—It was contended that this institution came within the scope of our inquiry, on the ground that the Teren Grand Juries of Dublin exercise a power of voting money for Roads, Bridges, and other purposes of local improvement; but we declined entering into so wide a field of inquiry on finding that a very able and comprehensive Report was made in 1842 by "The Commissioners appointed to revise the several laws under and by virtue of which monies are now raised by Grand Jury Presentment in Ireland." We shall merely add, that the particular objections made to the system, in addition to the general and sweeping one of irresponsibility, were two; 1, that the Grand Jury were in the habit of voting money to members of their own body; and 2, that the mode of collecting led to considerable abuses. The first of these objections was answered by showing that the sums in question were voted *pro forma* to the jurymen, and that no part of them really went into his pocket. The last struck us as well founded, and the practice which gave rise to it (of returning solvent and insolvent arrears,) was condemned so long ago as 1835, in the before-mentioned Report of the Municipal Commissioners.

The Pipe-Water Committee of the Town Council.—A distinct section of this Report will be devoted to the constitution and general character of the Town Council; but the Pipe-Water-Committee may be more properly considered in this place as completing the list of the existing Boards; and it is to be observed that the management of this department was put forward by the Promoters of the Bill as evidencing the zeal of the Corporation to promote the comforts of the inhabitants, and their own superior qualifications for local government; so that what they have done or contemplated therein may be fairly taken as a test of what they think is incumbent on local administrators in other departments, and what the inhabitants may expect from them.

A complete monopoly of the right of supplying water to the city of Dublin (except as regards wells and springs) is vested in the Town Council. The entire management is left with a committee of twenty members, called the Pipe-Water Committee, three of whom form a quorum.

The maximum rate of charge is fixed by 6 & 7 Vict. c. 102, s. 6; namely, for every house of 5 *l.* and under 10 *l.* yearly value, 5 *s.*; of 10 *l.* and under 20 *l.*, 10 *s.* 6 *d.*; of 20 *l.* and under 50 *l.*, 15 *s.*; of 50 *l.* and under 80 *l.*, 27 *s.* 6 *d.*; of 80 *l.* or upwards, 30 *s.* This scale was stated to be more favourable to the poorer classes than the former scale of charges.

A summary of the total receipts and total expenditure of this department from 1st November 1841 (when the new corporation came into office), to 1st January 1847, is inserted in the Appendix, as delivered to us by the town clerk; and the particulars may be seen in the annual printed accounts of the borough fund. The average income per annum for the above period is 12,934 *l.* 9 *s.* 9 *d.*; the average expenditure, 11,778 *l.* 11 *s.* 6 *d.*; but under the items of expenditure are the costs of passing an unnecessary Act of Parliament, the expenses of putting down new fire plugs, and salaries to retired officers, which cannot be considered as permanent charges. The pecuniary resources of this department, which might be increased by good management, would have justified the doing of far more than has been done or even contemplated by the Pipe-Water Committee; and the result of certain legal decisions on their liabilities is, that they are legally as well as morally bound to apply all surplus revenue in extending the supply, lessening their charges, or improving the establishment. (*See* the Attorney-general v. The Corporation of Dublin, 1 Bligh, N. R. 312, and 9 Bligh, N. R. 395.) The maximum rate has been uniformly imposed, besides an annual payment of between 9 *s.* and 10 *s.* each for water-closets.

It was stated that a great extent of new pipe had been laid down since the new Corporation came into office; but this was explained to be for the accommodation of those who could afford to pay for it, and has proportionally added to the revenue. The comforts of the class who are too poor to pay for water, do not appear to have been considered, and the following statements in the last annual report of the Paving Board to the Lord Lieutenant were substantially confirmed by the evidence of the secretary (Mr. Reilly) and other witnesses.

"The subject relating to the extension of main sewers within the limit of our jurisdiction, having been so fully and circumstantially discussed in our last annual report, we limit our observations upon this occasion to a brief allusion to the suggestions therein submitted, imparting our view of the means whereby the advantage of adequate drainage might be accomplished, and all the beneficial results in relation to the public health, domestic comfort, the abatement of nuisances, and the more effectual cleansing of the public ways, fully attained.

"The paramount importance of these objects and the means of their attainment, are specially exemplified in the reports upon the condition of large towns and populous districts in England, of which copious extracts are given in our report; and as the views entertained by Her Majesty's Commissioners, deduced from the evidence collected in the prosecution of their minute and comprehensive inquiries, are exhibited in a more compendious form in the report of the committee to the members of the association on Lord Lincoln's Sewerage, Drainage &c., of Towns Bill, printed by Messrs. Charles Knight & Company, 22, Ludgate-street, London, in the last year, we venture to refer your Excellency to that publication as affording incontestible evidence of the prevailing impediments to the maintenance of the public health in great towns in England, and suggesting means whereby they may be overcome; comprehending, amongst other expedients, the combined agency of an extensive and improved system of sewerage, and an abundant supply of pure and wholesome water. The combination of these two, with the paving and the cleansing of towns, including their suburbs, and placed under the same authority, is strongly urged by the committee, who recommended that the executive operations be controlled and supervised by paid officers appointed by the Government.

"By an Act passed in the 8th and 9th year of Her Majesty's reign, c. 103, it is provided that an improved supply of water should be given by the waterworks in Dublin to the public fountains in our charge. The provision is, that from and after the 1st of the present month (February) each fountain should have a service of water during at least six hours daily, of which hours three should be in the forenoon and three in the afternoon. This injunction, if conformed to (which it is not), would be an improvement on the supply previously given, which in many cases was only occasional, with intervals of one or more days between. The evils of an interrupted supply of water are forcibly described in the publication we have referred to (from page 34 to page 66), to which we would solicit special attention. In the first-mentioned page (at section 57) it is stated that Her Majesty's Commissioners had collected a body of evidence which shows, by every variety of proof of which the question admits, that an intermittent supply vitiates the water, is inadequate, and puts the consumer to unnecessary trouble, inconvenience, and expense; whereas a constant supply was practicable, and was alone capable of satisfying the wants of the people, and especially of the poorer classes, and is cheaper than any other mode of supply. Amongst the advantages enumerated of a constant supply at high pressure, is the removal of all the evils arising from want of proper receptacles for water, from neglect in cleansing tanks and water-buts, and from the accumulation of soot and other impurities, all which would be prevented by keeping the pipes constantly full, whereby also there could be no impregnation of water with gas, which often took place when the water is supplied on the intermittent system."

"At page 59 it is stated that a constant supply in the mains is the certain and only efficient means of arresting the devastation of fire; and it is observed, that wherever there is a constant supply of water at high pressure, it is easy, in the space of two minutes after the first alarm of fire, to bring water, at the rate of 30 gallons a minute, to bear upon any house in which a fire occurs. And further, that under that system of constant supply at high pressure, even the smallest street might be supplied with a three-inch main, affording at least one 40-feet jet, which is equivalent to keeping the power of one engine, and 20 men at every door, to act at one minute's notice after the first alarm of fire; and the use of fire-engines may be thus discontinued, as in the case of the town of Preston, where on the first alarm of fire the practice is instantly to screw a hose to a plug, by means of which water can be thrown to the top of the highest building. That each of those plugs can be fitted up for the sum of 2*l.*, so as to admit two hoses to be screwed to it, and thus to furnish two jets; that is to say, for the sum of 5*s.* per annum every house in that town can be supplied with arrangements for the extinction of fire, equivalent to four engines kept constantly at its door for its own exclusive use.

"We are induced to offer these observations to the notice of your Excellency, with the view more especially to direct the attention of Her Majesty's Government to statements heretofore submitted by us in former annual reports upon the insufficient supply of water afforded to the public fountains, the injurious effects of such inadequacy upon the condition of the poor, and the impediment thereby occasioned to the effectual sprinkling of certain of the carriage-ways in dry weather by our watering-carts."

"These

"These services legally appertain to us, but there is another in which our instrumentality is always sought as indispensable. We allude to the constant requisitions of the police for the aid of our watering-carts, in every case where fires occur within the limit of our jurisdiction, in which water is conveyed in some cases from distant fountains for the use of the fire-engines in attendance; and we do not hesitate to affirm, that were it not for such aid, conflagrations would extend, and greatly augment the evils resulting from them to life and property."

After alluding to the defects in the water supply of London, they proceed:

"In Dublin we believe the evils of an insufficient supply of pure water far surpass those described in the publication adverted to; for here, where the impediments peculiar to the instrumentality of trading companies do not prevail, and a special fund is provided and levied exclusively applicable to the maintenance, extension, and improvement of the waterworks, many of the streets and passages within the limits of the borough are wholly destitute of water, whither the water mains have never yet extended. There is no provision for conducting the water from the mains into the premises in front; and in the case of such of the latter as are wholly occupied by poor roomkeepers, the inmates must look for supplies of water at the nearest fountain, if it happens to have water at the time, or go to a more distant one capable of affording a supply. Fire-plugs have been lately affixed to the water mains in Dublin, but we apprehend they do not act in cases of conflagration as the fire-plugs in Preston do, without the instrumentality of fire-engines; and their inadequacy for the extinction of fires is still further demonstrated by the fact, that there is no abatement whatever in the requisitions for the aid of our watering-carts to convey the requisite supplies of water. But if we err in our conception of the efficacy of the fire-plugs, and that they are (as is affirmed on the part of the Pipe Water Committee) adequate for the service of water for the extinction of fires, we would in that case respectfully solicit the sanction of your Excellency to withhold the aid of our horses and carts upon the occasion of all future requisitions, their employment in that service (not enjoined by any legal obligation) having been hitherto attended with considerable expense and inconvenience in the prosecution of our works."

"In submitting these general observations, we rest our justification upon our legal claim to a continuous supply of water for the public fountains, and upon the fact that the supply given is neither continuous or adequate; that this default is owing to the defective structure of the waterworks, and their insufficiency to yield a simultaneous and constant supply at all points for all purposes, the necessity for which is so clearly exemplified by the committee whose report upon the English waterworks we have quoted this communication; and that in no part of the United Kingdom is the necessity for the improvement suggested in that publication so palpable and plain as in the city of Dublin. We therefore humbly repeat the prayer conveyed in our last annual report, to the effect, 'That we may be enabled to exercise such a dominion over the waterworks in this city (heretofore declared by judicial authority as the public property of the citizens), as to apply it to the flushing and cleansing of the public sewers, and the other objects suggested in the report as conducive to the general drainage of the town, watering of the streets, the cleansing of the public ways, and a continuous supply to the public fountains.'"

We quote these passages not merely as containing important information, but as a criterion of the zeal and knowledge of the Paving Board, and as illustrating the inconvenience of separate systems of management for matters so closely connected as the water supply, street cleansing, and sewerage of a city.

Evidence regarding the fire-plugs (which are merely contrivances for getting water from the pipes to feed the engines) was given by Alderman Garin, the inventor, who stated that 600 would be required; that only 380 had been fixed, and that only 200 of these were in a state of efficient service. By section 210 of the proposed Bill, power is given to the Town Council to include an establishment of water-carts and horses &c., among their provisions for extinguishing fires. This justifies an inference that they place no great reliance on their plugs, or that they are not properly impressed with the importance of taking active and decisive steps to preserve the city from the risk to which the present state of things exposes it.

The fullest information any officer of the Corporation was capable of affording as to the adequacy and quality of the present supply of water, will be found in the evidence of Mr. Crofton, the overseer of the Pipe Water Works, which office he had held since 1837. He had been on the establishment since 1833. He stated that the south side of the city was supplied from two basins or reservoirs, one fed from the Grand Canal, the other from the Grand Canal and the City Watercourse. The City Watercourse is a stream diverted from the river Dodder, which is the property of the Corporation. The water from the Grand Canal, which constitutes much the greater part of the average supply, is supplied under a contract for a period of which about 20 years are yet to run.

The north side of the city is supplied from a reservoir fed from the Royal Canal.

Canal. The supply on both sides has occasionally run short, and the only reason the overseer gave at first for not expecting a recurrence of the deficiency on the south side, was an assurance from an officer of the Grand Canal Company that steps had been taken to prevent its recurrence. On the last day of our inquiry the secretary of the Grand Canal Company was produced on the part of the Promoters, and swore positively that there had been, to his knowledge, neither complaint nor ground for complaint during the last four or five years, and that any quantity of water could and would have been supplied without difficulty from the Grand Canal. This evidence struck us as quite irreconcilable with much of that given by Mr. Crofton, the overseer. Mr. Crofton, moreover, had no accurate notion to what extent the city was supplied with springs. His opinion was that the pipe water required filtering; but he stated that only one of the basins, the smallest, was supplied with a filter, and that this filter was too small for the basin.

It appeared from the evidence of Sir Drury Dickenson, the supervisor and secretary of the Pipe Water Committee, that plans of filters had been before the Pipe Water Committee in the year 1843, and that the small filter for the small basin was the sole practical result. This gentleman also stated that the newest plan or map of the City Waterworks was made in 1834, and that great inconvenience was felt in the department for want of a plan showing the present extent of the mains.

The overseer had never considered whether water could be supplied for the purposes of sewerage, and had never been consulted on the point. The general tendency of his evidence was to confirm in great part the complaints of the Paving Board as to the deficient supply of the public fountains. Only two fountains had been added since 1842. On being further examined as to the cause of the occasional scarcity, he stated that the main pipes leading from the reservoirs were too small, and that it would cost 50,000*l.* to make the present waterworks fully available. This officer, however, had evidently given very little consideration to matters beyond the line of his routine duty. His salary is under 140*l.* a year; and it is to be regretted that an officer of a higher class, with some scientific knowledge, had not been at least occasionally employed in this department.

A Report of the Pipe Water Committee, made soon after the new Corporation came into office (1841), was produced by the Promoters of the Bill to show their zeal for improvement. On the question of suppressing the office of engineer, the Committee remark:

"We could collect, both from engineer and overseer, that the waterworks are very imperfectly mapped, and that a search extending to several feet is often to be made when a pipe is to be repaired or altered. We learn from the overseer (Mr. Crofton) that he could from recollection point to within one foot of the direction of many of the mains; but his knowledge in this respect is confined to himself, and has never been made the subject of any sort of record. He has nothing, he says, on paper, even to assist his own memory. We need not point out the expediency of an alteration of the practice in this respect, and the adoption of all practicable means of rendering the maps complete."

The engineer (it appears from this Report) had a salary of 50*l.* a year, and "thought he earned it not so much for the duty he actually performed, as for what he was prepared from observation and experience to perform." The Committee "could not in reason attach much importance to his advantages in this respect," and the office was abolished; but more than five years have elapsed, and nothing more has been done. The map of 1834, rendered still less effective by the lapse of time and the quantity of new mains, is the only map; and the sole reliance of the Pipe Water Committee is still on the unassisted memory of the same overseer.

The omission to complete the map and employ some capable person to ascertain the precise cause of the occasional failures of water, is the more remarkable, because in August 1845 the Town Council obtained an Act to enable them to supply all the adjoining parishes, if required so to do in the manner provided by the Act (8 & 9 Vict.) Their supposed position, as regards their legal rights to water and their power of getting it, is thus stated in the recital of the Act:

"And whereas, under and by virtue of the said several recited Acts, the supply of water to the city of Dublin has been vested in and put under the sole control, management, and authority of the corporation of the borough of the city of Dublin, and the lord mayor, aldermen, and burgesses thereof are seized and possessed, as of their domain in fee, of the stream from which the said supply is to a considerable degree derived; and whereas the corporation have

have increased the supply of water by obtaining a further supply from the Grand Canal, under and by virtue of a certain contract or agreement with the company of undertakers of the said canal, made on or about the 7th day of February, in the year of our Lord 1806, and also by obtaining a further supply from the Royal Canal, under and by virtue of a certain contract or agreement, made on or about the 24th day of June 1808, between the said corporation and the said Royal Canal Company; and whereas the citizens of Dublin have had, by means of the said several Acts, a sufficient supply of wholesome water assured to them for domestic uses at a moderate rate of charge, and also a supply of water for extinguishing fire; and whereas it has been deemed advisable to amend the said Acts, and to extend the benefits so obtained by the inhabitants who reside within the limits of the borough of Dublin to the inhabitants of the several parishes outside the boundaries of the said borough, but adjoining thereto, in order that a sufficient and wholesome supply of water for domestic uses may be ensured to those localities where the population has of late years considerably increased, and also a supply of water for the purpose of extinguishing fire."

The most important statements in this recital could hardly have been based on satisfactory information, or such information might have been afforded to ourselves. According to the evidence laid before us, it is far from clear that the citizens of Dublin (if the poor are to be included in that description) have had a sufficient supply of wholesome water assured to them for domestic purposes, and also a supply for extinguishing fire; nor till the appearance of the secretary of the Grand Canal Company towards the close of our inquiry, was there reason to believe that the present supply could be safely extended to the adjoining parishes, even after the required improvement of the waterworks.

The Pipe Water Act of 1846 has proved inoperative, not a single parish having applied to benefit by it. The Act cost the Town Council more than 800*l.*, and the only useful clause is one compelling the Pipe Water Committee to increase their supply of water for the public fountains. They took credit before us for having obeyed this clause, which was forced upon them through the instrumentality of Mr. Willis, who petitioned the House of Lords that the Bill in question "might not be allowed to pass into a law without some inquiry as to the defective supply of that necessary article, water, to almost all the portions of the borough in which the poor are located." This petition contains the following startling statement, extracted from a book published by Mr. Willis, in 1845, on the social and sanitary condition of the working classes of Dublin:—

"There is a great want of water, though not from any absolute necessity, as it is supplied to the district for about four hours on three days in each week; but of the houses let to weekly tenants, not one in ten has the water conveyed into it by branch from the street-main. In such cases the tenants are dependent for their supply on the public fountain, which is often at a considerable distance from their residence; besides which, the water is not constantly in these fountains. The wretched people have no vessels to contain a supply; the kettle and broken jar are the only ones to be seen in these abodes of misery; nothing marks their poverty more than when, congregating round the public fountain, they are seen struggling to have their little supply. There are many lanes and courts in which a tumbler of water could not be had fit for drinking; even for purposes of cleanliness, a scanty supply is with difficulty to be had, and appears of such value that it is rarely thrown out until after being put to several uses. I have frequently noticed this filthy stuff remaining within the room, and have been invariably told that it was yet wanted. It had first been used, perhaps, to wash the man's shirt and some little white linen; it was then used to wash the coarser things, and even again put in requisition to mop out the room, floor, or stairs. These facts are not confined to the very poor. The most offensive stench to be met with is that which emanates from these filthy suds; and I find that whenever these rooms or stairs are washed, it is with this noisome semi-fluid poison*."

Mr. Willis is an apothecary and medical practitioner of Dublin, laudably distinguished by long and enlightened attention to the habits and wants of the poor. He had been a guardian of the North Dublin Union, and an officer of health for the parish of St. Michan. He came before us, and stated on oath that the state of things described in his book, from which we shall presently make another extract, had become, if possible, worse in all respects:

"I am at present (he said) going through the city in order to ascertain the quantity of destitution, and that statement does not approach to anything like the fact as to the state of the water and the sewerage. I cannot convey in words to you the horrible state of uncleanliness and destitution that prevail in that parish: except be looked into the interior, a person cannot form an idea of the horrible nasty filth that is in every house; the pipe-water is not in one house in every ten."

The

* "Facts connected with the Social and Sanitary Condition of the Working Classes in the City of Dublin, with Tables of Sickness, Medical Attendance, Deaths, Expenditure of Life, &c. &c. By Thomas Willis, F. S. S. Dublin, 1845." Page 42.

The answer of the Promoters was, that mains were laid down, and that all who chose to pay for pipe water might have it. But their lowest rate of charge is 5 s., to be paid in one sum; to expect the poorest class in any city, much less the degraded class described by Mr. Willis, to save up 5 s. to pay for water, is preposterous; and in our opinion the Pipe Water Committee should long ago have taken measures to place a plentiful supply within the reach of all, without regard to revenue.

Mr. Willis states in his evidence that there are many parts of the district of which he spoke without mains, and that thousands of the inhabitants are supplied from a portion of the Royal Canal where the water is constantly loaded with impurities. Opinions differed as to the wholesomeness of the Dublin water, and no satisfactory evidence was given as to its quality.

The present State of the City as to Sewerage, Paving, &c.—If the bare existence of evils or abuses were sufficient to justify the granting of the powers demanded, the Promoters of this Bill would have comparatively little difficulty in establishing their case. The state of the city is undeniably very bad as regards many of the more immediate objects of the present inquiry, particularly sewerage, perhaps the most important of any; for large underground accumulations of foetid matter may be the cause of disease and death for a long period before attention is attracted to them. It was proved to us by the supervisors that some of the leading streets and squares of Dublin were without any public or effective sewerage whatever, and that the want of sewers was still more felt and more fraught with danger in the streets and lanes inhabited by the lower classes; who more readily submit to the proximity of dirt heaps, foul drains, and cesspools, very seldom take measures for preventing or mitigating the injurious consequences, and hardly ever adopt habits of strict cleanliness unless the means are placed immediately within their reach. Mr. Willis's evidence proves that the Dublin poor form no exception to the rule; indeed his opinion was, that the tone of feeling was so sunk among large classes of them, that they had no longer any wish or taste for cleanliness, nor any capacity for appreciating the commonest decencies of civilized life.

It was stated in evidence that efficient public sewers were wanting in the following streets and squares, or in considerable portions of them; namely, Westland-row, Barrack-street, north side of Merriem-square, north and south sides of Fitzwilliam-square, part of Sackville-street, Henry-street, west side of St. Stephen's Green &c. These were named as examples.

Michan's parish was named by many as a striking specimen of a poor district suffering from the want of sewerage, as well as of water. Mr. Antisell gave decisive evidence on this point; and the general accuracy of the following statement in Mr. Willis's book is not disputed:—

"The population of this parish is more dense than that of any other parish in Dublin. The following comparative statement shows that it also far exceeds the most crowded localities even in London:

	Inhabitants.	Houses.	Persons to each House.
" London, within the walls - - - - -	54,028	7,791	7.01
Total, Metropolis - - - - -	1,673,676	250,008	7.46
St. Giles-in-the-Fields and St. George Bloomsbury	54,202	4,959	10.04
St. Andrew's Holborn and St. George Martyr	36,700	3,076	10.00
Saffron Hill - - - - -	320,726	20,100	11.57
Clay of Dublin - - - - -	4,606	331	14.50
St. Luke's Parish - - - - -	19,871	1,365	14.63
St. Catherine's - - - - -	11,955	963	13.65
St. Nicholas's - - - - -	22,793	1,381	16.51
St. Michan's - - - - -			

"These 1,381 inhabited houses in St. Michan's parish are returned in the Census of 1841 as 616 first-class houses; 674 houses of second class; 80 of third class; and 7 of the fourth, or lowest class. Although houses are thus classed, there are very few families having first, second, or even third-class accommodation."

"There

"There are no gentry within the district, and the few professional men, or mercantile traders, whom interest may still compel to keep their offices here, have their residence in some more favoured localities. This parish, which within the last thirty years might have boasted of as large a proportion of professional and mercantile wealth as any in the Metropolis, is now the refuge of reduced persons from other districts, and very many of the houses then occupied by respectable traders are now in the possession of a class of men called House Jobbers, who let them to poor tenants. These jobbers have no interest in the houses save their weekly rents, the houses therefore undergo no repair. The staircases, passages, &c., are all in a state of filth; the yards in the rear are so many depôts of putrid animal and vegetable matter, and if a necessary be in any of them, it is frequently a source of further nuisance. The courts and back places are, if possible, still worse, and are quite unfit for the residence of human beings. They are almost all closed up at each end, and communicate with the street by a long narrow passage, usually the hall of the front house, and not more than 3 or 3½ feet wide. Pipe water, lime washing, dust bin, privy, are things almost unknown. The stench and disgusting filth of these places are inconceivable, unless to those whose barrowing duty obliges them to witness such scenes of wretchedness.

"In some rooms in these situations it is not an unfrequent occurrence to see above a dozen human beings crowded into a place not 15 feet square; within this space the food of these wretched beings, such as it is, must be prepared; within this space they must eat and drink. Men, women, and children must strip, dress, sleep; in case of sickness the calls of nature must be relieved, and when death releases the inmates, the corpse must of necessity remain for days within the room. Let it not be supposed that I have selected some solitary spot for this description; no, I am speaking of an entire district, and state facts incontrovertible. I indulge in no theories as to the causes which produce this state of things, but I may state the results; they are, that every cause that can contribute to generate contagion exists here in full vigour, and that disease in every aggravated form, with all its train of desolating misery, is rarely absent."

We went with Mr. Willis as our guide to the district mentioned in the foregoing extract, inspected a great many of the courts and passages in which the poorest class live, and entered some of the houses. Everything we saw confirmed the literal accuracy of his statements. The want of water, the deficient sewerage, the crowding of families into single rooms of small dimensions, the filth and the consequent corruption of the atmosphere, have all been truly described by him. The wonder to our minds was, not that disease, with its attendant miseries, was (as he states) rarely absent, but that human beings could prolong life at all in such dwelling places and under such circumstances. Some of the courts were not paved, and the surface of these was like that of a damp dunghheap; some of the passages were filthy in the extreme; yet even in these courts and passages the stench (exhaling from the houses) of human bodies crowded together, frequently overcame every other stench, and produced so sickening an effect, that at the end of an hour we were obliged to discontinue the inspection of the interiors for the time.

In more than one room we saw water in the dirtiest state hushanded for further use; and in passing through the district (between two and three o'clock in the afternoon) we tried three public fountains in succession, and they were dry. A rent is exacted for almost every room in these houses. The occupier of a very small room looking into one of the closest and dirtiest courts, told us that her rent was tenpence a week, and we were informed that this is an average rent for such a room. The wretched inmates therefore might be lodged in buildings built on the barrack system, without even an eventual sacrifice of capital. Their present condition is a disgrace to a civilized country, and should be amended at any sacrifice; if not for their sakes, for the sake of the public health, which must be seriously endangered by the existence of such never-failing sources of infection in so populous a district of the city.

Mr. Willis took the streets as they occurred, and after we had declined entering any more of the houses, showed us court after court, where all the outward signs of squalid misery were the same.

The impossibility of acquiring precise information compels us to be much more general in our descriptions and observations than may be thought desirable. It cannot be difficult, when a map or plan of a system of pipes or drains is once made, to mark down additions or alterations as they occur; yet we found, on calling for plans of the existing sewers (as on calling for plans of the water-pipes), that little or no reliance was to be placed on those produced, many additions and alterations having been marked down, without much regard to accuracy, since we opened our inquiry. As already intimated, the age and bodily infirmities of one of the supervisors may in part account for the neglect; but

enough appeared on the maps, imperfect as they were, to show the want of uniformity, as well as of completeness in the present system; small and large sewers being often found running parallel to or intersecting each other, without any apparent reason for the difference in size. There exist no means of what is called flushing the sewers of Dublin, the occasional necessity for which is pointed out in the passage quoted from the Report of the Paving Board; and it appeared that many of them had not been cleansed or examined for many years. The Paving Board have power to make sewers at the expense of the owner or occupier, and when the inhabitants of a wealthy locality call for sewers, they are made; but in poorer localities, where the repayment of the money expended is a matter of difficulty, the sewers are very seldom made. The Paving Board have no funds to lay out in the first instance. The supervisors said they rarely examined the sewers, unless required so to do by the inhabitants; and it seemed their general practice to take for granted that, if anything went wrong, some individual sufferer would call attention to it. In the first place, however, such complaints generally entail the expense and trouble of having their own sewers broken up and altered on the complainants, who are therefore found reluctant to complain; and, in the next place, the resulting evil (as already intimated) may be widely diffused before attention is attracted to the cause.

So far as can be collected from the very imperfect evidence laid before us touching all matters of a scientific character, we should say that the City of Dublin affords facilities for a complete and connected system of sewerage, if the River Liffey, or the river level, could be safely made available as the main outlet. At present all the sewerage of the city is discharged into the river, but (from causes described in Mr. Antisell's evidence) much of the soil, instead of being at once carried off into the sea, is deposited on the bed of the river near the sides, and in dry and warm weather is the cause of great annoyance to those who occupy houses on the quays. To obviate this very serious inconvenience, it has been proposed to construct two large closed sewers (one on each side) following the level of the river to the sea or to reservoirs near the sea.

Schemes of this sort, so far as the essential feature is concerned, have been in contemplation for many years. The chief difficulty seems to be the level; as the fall from the part of the river where the sewerage begins, to the sea (about three miles), is not more than six feet. We had no means of obtaining the information necessary to enable us to give any opinion on the practicability of such a scheme. The city surveyor stated that his attention had been called to it only a few days before our inquiry commenced, and he was not prepared to speak on this or any other scheme for the purpose. The small salary paid to this officer (50*l.* a year) would hardly justify an expectation that he would devote the necessary time to such schemes unless specially employed.

The proposed evidence as to the markets being obviously conflicting, it was agreed by the Promoters and Objectors that these should be inspected by one of the Surveying Officers (Mr. Brassington), and that our Report on this head should be in accordance with his impressions. His opinion is that the markets of Dublin, although not so handsome or commodious as many markets newly erected in other cities, are not open to any material objections as regards size, situation, number, or arrangement.

We have already mentioned the occasionally bad state of the streets in respect of scavenging, and the necessity that still remains (notwithstanding all that has been effected by the Wide Street Commissioners) for widening certain streets and places, not merely with a view to the appearance of the city, but for the sake of health and convenience.

The complaint made by the Promoters of the Bill on behalf of the inhabitants, that they are too highly taxed in proportion to the benefits enjoyed, strikes us to be well founded; and there can be little doubt that the excess of local taxation is in some measure attributable to the absence of controlling power in the ratepayers. Nor was it denied in any quarter that both cheapness and efficiency would be promoted by consolidation and combined management. As regards efficiency, we have only to point to the altercations between the Pipe Water Committee and the Paving Board, and suggest the advantages to be derived from vesting the exclusive control of the water supply, the sewerage, and the cleansing of the streets, in one department. As regards cheapness,

it is obvious that the expenses of collection and management might be materially reduced by consolidation, though not to the extent anticipated by the Promoters. This brings us to the question, how far the hopes held out by the Town Council of Dublin, in case the proposed Bill should pass, are likely to be realized. To prepare the way for just conclusions on this question, we shall now describe the constitution and character of this body.

The Corporation of Dublin.—Their proper title is, "The Right Honourable the Lord Mayor, Aldermen, and Burgesses of Dublin." The governing power is vested in the Town Council, consisting of 60 members, namely, the Lord Mayor, 15 Aldermen (the Lord Mayor being one), and 45 Councillors. The Borough is divided into 15 wards, six on the north, and nine on the south, of the Liffey; each ward returns four members of the Council, namely, one Alderman and three Town Councillors. The members of the Town Council are elected by the burgesses, *i. e.* by 10*l.* householders who have paid their rates and taxes within the time mentioned in the Irish Municipal Act (3 Vict. c. 108), to which we beg leave to refer for more detailed and precise information, if required. Accounts of the property of the Corporation (inserted in the Appendix) were furnished to us by the town-clerk, and a great deal of explanatory evidence was given by him. Their chief revenues are derived from a borough rate of 3*d.* in the pound, the pipe-water rates, and the proceeds of the city estate, the rental of which averages between 14,000*l.* and 15,000*l.* a year.

The Town Council is at present divided into four Committees for the dispatch of business; namely, the Pipe Water Committee (already mentioned); the Law and Lease Committee, which has the management of the estates; the Finance Committee, and the Mansion-house Committee. Each consists of 20 members, and three form a quorum. Alderman Boyce stated in his evidence, that the attendance of the members has been irregular, and that the business of the Law and Lease Committee, in particular, has been sometimes injuriously delayed in consequence. The town clerk admitted the occasional laxity of attendance for the transaction of business, though he denied that any actual injury had been sustained; but the loss of time by persons having to transact business, is in itself an injury and a fair subject of complaint.

It was an essential part of our duty to ascertain the grounds of opposition to the Bill, as well as the relative numbers of persons favourable or unfavourable to it. By way of introduction to what we have ascertained on these points, we shall now (having described the constitution of the competing bodies) shortly sum up the broad general arguments advanced by the Promoters and Objectors respectively.

The Promoters contend that all powers of local government and taxation should in all cases be placed under the control of the ratepayers, through their representatives; that the Town Council are the representatives of the ratepayers of Dublin; but that (with rare exception) all such powers are there vested in Boards or authorities constituted in such a manner as to be liable to undue influence, and exempt from all responsibility to the parties most interested in controlling them. The consequence (they allege) is, that the powers in question are often misapplied or insufficiently exerted, the public money wasted, and the local burthens needlessly increased: they rely strongly on the advantages of consolidation; and they assert that there is nothing in the local circumstances of Dublin to affect the general principles of representation and responsibility, or to prevent the Corporation from being invested with the same powers which (they say) have been repeatedly conferred on other corporate bodies similarly constituted.

The Objectors reply that the local circumstances do most materially affect the general principles in this instance; that whatever may be the case with other Town Councils or Corporations, the Town Council of Dublin do not fairly represent the ratepayers; that the influence of the poorer classes has a most undue preponderance in it; that its powers and patronage have hitherto been, and probably will be in future, exclusively employed to favour the dominant party; that it has already given ample and decided evidence of administrative incapacity; and that a body so constituted will neither possess the required knowledge, nor be able to devote the required time and attention to the multifarious objects of which it seeks to assume the exclusive management.

The hasty and intemperate manner in which this Bill was pressed forwards, without due preparation or consulting the wishes of the ratepayers, was also strongly urged as indicative of the manner in which the powers demanded would be used.

The existing Boards deny the charges of mismanagement and inefficiency, and maintain that nothing is wanting but the amendment, extension and consolidation of their powers.

It is obvious that the main ground on which the Promoters of the Bill rely is cut from under them, if it can be shown that the Town Council do not fairly represent the ratepayers. The following is the chief argument to show that they do not:—

"Dublin is at present divided into 15 wards, differing immensely in the property, the extent, and the inhabited houses included in each. In London, the wards return members to the Common Council, ranging in number from two to 10, according to the wealth and importance of the ward; in Dublin, however, each ward returns the same number, without any reference whatever to the wealth, the taxation, or even the inhabited houses. A comparison of some of the wards thus returning the same number of representatives will manifest at once the unreasonableness of this arrangement.

	Inhabited Houses.	Amount of Rating.		Inhabited Houses.	Amount of Rating.
		£.			£.
Stephen's - -	1,033	79,270	Four Courts -	1,301	16,335
Andrew's - -	1,296	72,661	Catherine's -	919	16,561
George's - -	1,831	98,090	Paul's - -	938	17,933
	£.	220,027		£.	54,892

"Thus it will be seen that three wards constitute nearly one-third of the entire assessment of the city, such being under 700,000*l.*; that any one of those wards exceed considerably in amount of taxation the aggregate of the three we have selected to compare them with.

"It is impossible to defend the principle upon which these six wards have an equal voice in the municipal council of the city.

"This is not, however, the entire of the injustice that has been done to the citizens of Dublin in the division of their city into wards. Commissioners appointed by Government, before the introduction of the Municipal Bill, apportioned Dublin into wards very different in their boundaries from those into which it is now divided.

"In the present division, with its 15 wards, that prepared by the Commissioners of Municipal Boundaries has been to a great extent departed from. By whom the present division was actually made, has never been disclosed; but we have the strongest reason to believe that it could be established before a Parliamentary tribunal of inquiry, that the divisions of wards made by the Boundary Commissioners were altered for the express purpose of giving an ascendancy to one party, and that this alteration was made by persons, and under circumstances, that can leave no doubt of its object, while those who had the conduct of the Bill were imposed upon to assent to this unjust alteration.

"The most cursory inspection of the map of Dublin, as distributed into wards, must satisfy any impartial person that the present division has not been made with reference to any consideration of local convenience, of relative extent, or of ancient divisions of the town. The present division, if made without some sinister object, is manifestly inconvenient and absurd, including in one ward streets utterly remote from each other, and drawing the boundary lines in the most fanciful and irregular deviation."

We copy this, as conveying the objection in the clearest shape, from a printed statement signed and submitted to the Chief Secretary of Ireland by ten members of the Town Council, two of whom (Alderman Butt and Alderman Boyce) adopted it, justified it, and gave additional evidence to the same effect. We refer particularly to the evidence of Alderman Butt, (Queen's Counsel, and formerly Professor of Political Economy at Trinity College, Dublin,) should it be deemed necessary to go further into details, and some useful statistical tables will be found in his evidence and the Appendix. Attempts were made to vary the proportion; but which ever way the admitted data were presented to us, it appeared that property was not adequately represented; that is, not represented according to the principle and understood intention of the Municipal Corporation Act. The actual inequality of the wards was distinctly admitted by the

Promoters.

Promoters of the Bill; and thinking that we were not called upon to decide with what peculiar views, if any, this irregularity had been created, we declined examining an officer of rank who had been employed on the division, and who was called as a witness to silence surmises as to motive, which his character and position are quite sufficient to repel.

The Objectors further argued that representation with a view to political rights, was different from representation with the exclusive view of dealing with property; and it was suggested that, if the representatives of the ratepayers are the only fit persons to be trusted, they should be elected for the express purpose and according to a scale of property qualification, as in the case of Poor-law Guardians. This is the mode of electing Commissioners of Local Improvement recommended in the Report of the Committee of the Health of Towns Association.

The Promoters of the Bill having been allowed to give evidence with the view of showing that the existing Boards were, from their constitution, open to indirect influences of one sort, we could not reject evidence tendered with the view of showing that the Town Council was, from its constitution, open to indirect influence of another, though not less injurious, sort; but we earnestly deprecated the introduction of topics calculated to produce irritation, and repeatedly announced that the peculiar object of the inquiry was to collect and sift relevant information which could only be well collected and thoroughly sifted upon the spot.

The Objectors asserted that the Town Council were exclusively influenced by party motives in the exercise of their present power and the distribution of their present patronage. The Promoters positively denied this charge; but it was admitted that 50 out of the 60 members of the Council were pledged to support a repeal of the Union, and, on going through the list of new appointments made by or under the new Corporation (containing 43 names), we found that all without exception had been conferred on persons professing the political creed of the majority.

The mischief of such a system is illustrated by a case mentioned in the evidence of Mr. Long, Mr. Costigin, and Mr. Nevin. It was clearly proved that a pipe-water collector (one of the 43) had antedated a receipt to prevent a voter of the same party from being disqualified, and that, though the circumstance was made the subject of complaint and discussion in the presence of the treasurer (another of the 43), it was passed over as undeserving of notice, and as in no respect affecting the confidence of the treasurer in the collector. It is to be feared that officers of an inferior class, appointed from political motives, will be always apt to regard such acts as services fairly due to the party which appointed them.

Other evidence was offered to show the detailed working of this alleged system of partizanship, but we declined investigating the merits of a large number of individual cases, and requested the Objectors to confine themselves as much as possible to broad definite indications of unfitness. They adduced as such the conduct of the Corporation on the two following occasions of disputed right or authority. The essential facts were not denied.

The Act 5 & 6 Will. 4, c. 63, gave rise to a question, whether the Lord Mayor of Dublin or the grand jury were entitled to have the custody of the standard weights and measures, and appoint the inspectors of weights. The matter was amicably arranged whilst the old Corporation lasted, but so soon as the new Corporation came into office, a contest began, which is still in full vigour. In the course of the last year the question came before the Court of Queen's Bench (Ireland), which decided in favour of the grand jury as regards the custody. Immediately afterwards a placard was issued by the appointees of the Lord Mayor, warning the traders of the city against the appointees of the grand jury, and cautioning them to "be sure to ask for the Lord Mayor's warrant, and bear in mind that all summonses and complaints in respect to weights and measures must be brought before the Lord Mayor, and no other magistrate." One of the inspectors who issued this document, stated that it was issued in answer to one by the rival inspectors; that it had been largely circulated, and that copies had been stuck up in the windows of the office at the time of issuing it, and had

remained there ever since, but that no notice whatever had been taken of it by the Lord Mayor or the Town Council. In fact, it was admitted that no attempt had been made in any quarter to put a stop to a state of things, which has gone far towards rendering the law regarding weights and measures nugatory or positively injurious in the city of Dublin for four or five years, independently of the scandal such unseemly proceedings must bring on the authorities.—(See the evidence of C. B. Mosse and E. Dowling.)

The protection which the public are entitled to expect at the hands of the authorities was alleged to have been in like manner very insufficiently bestowed in another department, in consequence of a difference of an analogous sort. It is the duty of the inspector of markets to stop all bad and fraudulent hay and straw, and either sell it and confiscate the proceeds, or fine the owner and have the hay or straw removed. Under the old Corporation the bad hay or straw was sold, and the proceeds were regularly given to the parish officer for the poor. Under the new Corporation (as was stated by Mr. Long, a churchwarden of one of the parishes in which the haymarket is situate,) nothing reaches the poor in any shape from this source; and, from his and other evidence, it appeared that the common practice, under the new system, has been for the inspector merely to exact a fine, and that the duty of seeing the fraudulent hay and straw removed was very irregularly performed.

It was admitted that the inspector did not account for the fines to any one; and the only explanation given was, that the weighmasters, who, under the old Corporation, used to pay the inspector, had resisted the authority of the new Corporation and refused to pay him any longer, and that he was therefore allowed to keep the fines to pay himself and his men. Mr. Long stated that he had called the attention of three Lord Mayors in succession to this state of things, and that one of them had expressed himself much annoyed at it, but said he did not like to remove the inspector because he had been appointed by the preceding Lord Mayor. Down to the time when this evidence was given, nothing had been done towards a correction of the abuse.

It was alleged that a great deal of public money had been wasted by the Town Council in unnecessary and vexatious litigation; and our attention was called to a printed letter (dated January 26th, 1847) from Mr. Gregory, one of the Members for the city of Dublin, announcing that he was about to move for (among others) the following Return:

"Return of the Number of Suits in which the Corporation have been engaged from the 1st November 1841, stating the Names of the Parties, the Cause of Action, the ultimate Verdict or Decision of the Court, and the Sum incurred for Law or Equity Costs in each Year to the 31st December 1846, and what Sum has been paid or is still due of said Costs."

On February 2nd we requested that such a Return might be furnished to us, and the Town Clerk engaged to furnish it. On February 15th a Return, stating merely the gross amount of the law costs (mixed up with items for stamps) and the gross amount of the taxed costs actually paid, was delivered. On the following day we gave it back to the Town Clerk, as not conveying the required information. On the 18th February his attention was again called to this Return, but it was not until the 26th (the day before this Report was necessarily signed and dispatched) that the Return printed in the Appendix was delivered. This Return is confessedly incomplete, and requires no comment; but it is clear, even from the printed accounts of the new Corporation, that a large proportion of the law costs in question have been occasioned by the manner in which officers and servants of the old Corporation were removed, with very little apparent reference to fitness, and without giving them the option of serving for reduced salaries where reduction was required. For example, an ill-considered attempt to dismiss Sir John Kingston James from the office of Treasurer without equitable compensation, cost them 255*l.* 9*s.* 3*d.*

A report of the Finance Committee of the Town Council, dated the 18th April 1843 (inserted in the Appendix), was laid before us to show that the new Corporation had pursued a sound system of economical reform in superseding and pensioning off many of their officers; but the main principle on which they therein justify their proceedings is unsound; for we cannot think that, in all cases where an old officer is dismissed or pensioned off or a new one appointed at a lower salary,

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it is sufficient to show that no direct pecuniary loss is incurred, or even that a saving is effected, since this is tacitly assuming that character and experience are of no account. Sir John Kingston James's successor in the office of Treasurer (a man named Finn) ran off to America with a considerable sum belonging to the Corporation, and (though the security taken may turn out sufficient) was the cause of considerable embarrassment to them.

The conduct of the new Corporation towards the officers and servants in question is an important feature in the present inquiry; for they demand power to deal with the officers and servants of all the existing Boards in the same manner, and assert that the majority are superfluous and must be instantly dismissed.

It is plain that the secretaries of these Boards, (Mr. Reilly, Mr. Sherrard, and Mr. Darley,) would be dismissed among the first; yet they are all active, intelligent men, thoroughly conversant with the business of their respective departments; and in our opinion, any new system of management must be radically defective, which starts by assuming the expediency of dispensing with their services, or the services of men similarly qualified.

The credit claimed by the Finance Committee for a judicious reduction (see Appendix) of the expenses of the borough revision, appears to us to be fairly due to the new Corporation. We also think it right to state, that no case of maladministration from corrupt or improper (other than party) motive was established against them. It struck us, after listening reluctantly to a mass of erimination and recrimination, that the most important objections to which they are fairly open are precisely those which would lie against any corporate body, representing a popular constituency, in a place where political questions of a highly exciting character are unceasingly discussed. The warmth of feeling and spirit of rivalry that have been kindled in the party struggle, are unconsciously carried into other discussions; and it is difficult to help arriving at the conclusion that the new Corporation of Dublin have not yet acquired those habits of calm investigation, dispassioned judgment, and conciliatory action, which are most desirable in the possessors of public powers of every kind, and positively indispensable to the safe and beneficial exercise of the very large and very peculiar powers to be transferred or created by this Bill.

The manner in which this Bill has been brought forward would of itself go far towards justifying a conclusion, that bodies so constituted are ill adapted to deal with matters requiring knowledge, temper, comprehensive views, and patient attention.

We need not inform those to whom our Report is addressed, of the recent advance and present state of knowledge on subjects of local administration, nor of the amount of condensed experience and scientific calculation that have been brought to bear on them. For example, it has been stated on high authority (see Health of Town Association Report, page 30,) that the expense of complete house drainage and cleansing may be brought down to a rent of 1d. a week for the lowest class of tenements, and that constant supplies of filtered water may be carried into the lowest class of tenements for another 1d. a week. Schemes for the purpose have been suggested in printed Reports, and the question in what manner rates should be imposed and levied, so as to distribute the burthen equitably, has been fully discussed by statistical and economical writers of eminence; particularly by Mr. Chadwick, who, in his "Report on the Sanitary Condition of the Labouring Population of Great Britain," has thrown light on every branch of the complex subject of his inquiry. The least therefore that could have been expected from the Promoters of such a Bill was, that they should have ascertained the real difficulties that lie in the way of the desired improvements, and have made a careful selection among the different methods that might be suggested for encountering them; that they should come prepared with the results of scientific investigation, as well as with carefully considered estimates of the probable expense of the improvements they proposed to execute. But no specific plan or matured scheme of any sort was produced or mentioned by the Promoters as their own; they stated that they had not thought it necessary to procure scientific surveys or consider specific schemes till they had obtained powers to execute them; and in default both of scientific surveys and specific schemes,

schemes, their estimates of probable expenditure were necessarily of the most vague description.

This want of preparation may be regarded as a non-compliance with the Act under which this inquiry was directed, as well as an indication of unfitness. We therefore stated at an early stage that, in our opinion, the Act was passed for the express purpose of making scientific surveys and regular estimates an indispensable preliminary to legislation on subjects of local improvement, and might be deemed a Parliamentary declaration, that such powers as the Town Council required would not be granted, till the intended modes of application had been illustrated and explained with sufficient fullness to enable a sound judgment to be passed upon them. As no such interpretation, however, had, to our knowledge, been officially put upon the Act, we did not feel justified in stopping or suspending the inquiry.

The marks of haste and imperfect knowledge were almost equally discernible in what took place in relation to the rating clauses, though this was the part of the Bill on which most time and attention had been professedly bestowed.

In the first printed draft of the Bill delivered to us, the principal rating clauses stood thus:

Sect. 27. "And be it enacted, that for the purpose of effectually sewerage and draining such streets and thoroughfares, and for the purpose of paving, lighting, and improving the same, it shall be lawful for the Council, and they are hereby empowered, twice in every year, to assess, levy, and apply a rate to be called the Sewer, Paving, and Lighting Rate, upon all houses, buildings, tenements, wharfs, quays, and property within the limits of this Act, according to the annual value of the same respectively; and such rate shall be assessed and levied twice in every year after the passing of this Act, to be computed from the first day of January and the first day of June in each year, and so as such rate or rates shall not exceed in any one year the sums hereinafter mentioned: that is to say, where the annual value shall not exceed 20*l.*, the sum of 1*s.* 6*d.* in the pound; and where the annual value shall exceed 20*l.*, and shall not exceed 50*l.*, the sum of 2*s.* 6*d.* in the pound; and where the annual value shall exceed 50*l.*, and shall not exceed 80*l.*, the sum of 3*s.* 6*d.* in the pound; and where the annual value shall exceed 80*l.*, the sum of 5*s.* in the pound; and such rates shall be diminished and varied in the proportions aforesaid according to the sums to be raised, and such rates shall be applied in the manner and subject to the provisions in this Act contained."

Sect. 249. "And in order to raise money for the carrying the several purposes of this Act into execution, be it enacted, that it shall be lawful for the said Council, twice in every year, to make a rate to be called the General Rate, for the purpose of maintaining the Dublin Borough Police, and for securing, raising, and paying any monies, and the interest thereof, which may be borrowed on the security of the police rate, in pursuance of the provisions of this Act, and for the purpose of discharging the amount presented for by them, and voted by the Court of Queen's Bench any Hilary Term as aforesaid; and for securing, raising, and paying any monies, and the interest thereof, which may be raised on the security of the said presentment rate, in pursuance of the powers of this Act; and also for the purpose of defraying all sums made payable by this Act out of such rate, together with the salaries of all officers acting in the execution of this Act, unless otherwise provided; and also all incidental costs, payments, compensations, charges, and expenses attending the execution of the powers, duties, and authorities hereby imposed and given to the said Council, and which are not herein otherwise specially provided for: and such general rates shall be made upon the occupiers of all houses, buildings, tenements, quays, wharfs, and other hereditaments within the limits of this Act, according to the annual value of the same, so as such rates or assessments do not exceed in any one year the sums hereinafter mentioned; that is to say, where the annual value shall not exceed 20*l.*, the sum of 6*d.* in the pound; and where the annual value exceeds 20*l.*, and shall not exceed 50*l.*, the sum of 1*s.* in the pound; and where the annual value exceeds 50*l.*, and shall not exceed 80*l.*, the sum of 1*s.* 6*d.* in the pound; and where the annual value exceeds 80*l.*, the sum of 2*s.* in the pound; and that such rates shall be diminished or varied in the proportions aforesaid, according to the sums to be raised."

The limited application of sec. 27, and the extended application of sec. 249, are shown by sec. 248:

"And be it enacted, that the Council of the Borough shall have power to water the streets thereof, and shall defray the expenses thereof out of the 'General Rate' hereinafter directed to be raised."

A few days before the inquiry opened, copies of the proposed Bill were delivered with the following "clauses proposed to be added in Committee, instead of sections 27 and 249":

"And be it enacted, that for the purpose of effectually sewerage and draining such streets

streets and thoroughfares, it shall be lawful for the Council, and they are hereby empowered, once in every year, to be computed from the 1st day of January in each year, or oftener if they should think it necessary, to assess, levy, and apply one or more rate or rates, to be called sewer rates, upon all houses, buildings, tenements, wharfs, quays, and property within the limits of this Act, according to the annual value of the same respectively, so as such rates or assessments shall not exceed in any one year the sum of 1s. in the pound; and such rates shall be diminished or varied according to the sum to be raised, and shall be applied in the manner and subject to the same provisions as in this Act contained.

"And be it enacted, that for the purpose of defraying the costs and expenses of carrying this Act and all the powers and provisions thereof into execution (save the powers and provisions relating to the drainage and sewerage hereinafter contained), it shall be lawful for the Council, once in every year after the passing of this Act, to be computed from the 1st day of January in each year, or oftener if they should think it necessary, to make one or more rate or rates, assessment or assessments, to be called the 'General Rate,' upon the occupiers of all houses, buildings, tenements, quays, wharfs, and other hereditaments within the limits of this Act, according to the annual value of the same, so as such rates or assessments shall not exceed in any one year the sums hereinafter mentioned; (that is to say), where the annual value shall not exceed 20*l.*, the sum of 1*s.* 6*d.* in the pound; and where the annual value exceeds 20*l.* and shall not exceed 80*l.*, the sum of 3*s.*; and where the annual value exceeds 80*l.*, the sum of 4*s.* 6*d.* in the pound; and that such rates shall be diminished or varied in the proportions aforesaid, according to the sum to be raised; and such rates shall be applied in the manner and subject to the provisions in this Act contained: provided always, that no person shall be rated for or in respect of any arable, meadow, pasture, or wood land, or any stable or building used for the purposes of husbandry only."

On the 11th February (the 16th day of the Inquiry) it was formally announced to us on behalf of the Promoters, that the rating clauses were to undergo further change, and that the following Report of the Parliamentary Committee of the Town Council contained the modified views of the Promoters:

"REPORT of the Parliamentary Committee on the Dublin Improvement Bill.

"Your committee having learned that a considerable portion of the ratepayers are opposed to the graduated scale of local taxation provided for by the 249th section of your Bill, have reconsidered same with a view of adopting a scale for a general rate, calculated to afford more satisfaction to all classes of the ratepayers.

"After a careful examination of various intelligent persons intimately acquainted with the house property of this city, your committee find that a very large portion of the houses, 13,400 in number, valued from 1*l.* to 20*l.*, are the property of wealthy persons and house jobbers, who have same let in tenements, or at rack-rents, to poor and industrious persons.

"Your Committee are therefore unanimously of opinion, that the graduated scale (copied from the Belfast Improvement Act) would not afford much relief to the poor, nor give general satisfaction to the householders of this city. Under all the circumstances your Committee have deemed it their duty to alter the rating clause, and have substituted a uniform maximum rate of 3*s.* in the pound on the poor-law valuation, to defray the paving, lighting, cleansing, watering, police, grand jury, and wide-street taxes. The aggregate of those taxes, as at present assessed by irresponsible Boards, exceeds the amount above stated; and your Committee confidently hope, that when the city is relieved from overpaid and unnecessary officers, the maximum rate for the purposes already stated will not exceed 2*s.* in the pound on the poor-law valuation.

"Referring to the very defective state of the sewerage of the city, your committee find that a sum of about 80,000*l.* is required to complete same; and feeling the necessity of carrying out this important work within two years, your committee deemed it advisable to seek the power of levying a sewerage rate of 1*s.* in the pound, which upon this calculation would have terminated at the expiration of that period. On a reconsideration of this important branch of city improvement, your committee have decided on reducing the sewerage rate from 1*s.* to 4*d.* in the pound, thereby spreading the tax over a period of eight years, at the expiration of which period the sewerage tax must cease. Power will be taken in the Bill to borrow money at a low rate of interest, on the security of the rate, for the more rapid completion of the sewerage. By this arrangement your committee confidently hope to complete the sewerage of the city within two years, and without any severe pressure on the ratepayers.

"Referring to the 212th section of the Bill, your committee have directed that the power to levy one halfpenny in the pound for the support of a fire-police shall be expunged, and that such expense shall be defrayed by the general rate of 3*s.* in the pound on the poor-law valuation.

"Your committee deem it their duty to call the attention of the Council to the unceasing efforts of interested and prejudiced parties to defeat the Corporation in their efforts to relieve the ratepayers from the present oppressive, extravagant, and insulting mass of local abuses under which they suffer; and your committee have again to state, that under the proposed Dublin Improvement Bill, the general rate to defray the expenses of paving, cleansing, lighting, watering, police, grand jury, and wide street, cannot under any circumstances exceed 3*s.* in the pound on the poor-law valuation, and that the sewerage rate spread over a period of eight years cannot exceed 4*d.* in the pound.

"That the general and sewerage rates can be only assessed once a year; and that parties paying those rates at the general tax-office within three months after assessment, will be allowed a discount of five per cent. on the amount paid.

"All which I certify and submit as our report, this 9th day of February 1847.

(signed) "John Reynolds,
"Chairman."

This document is by no means calculated to restore confidence. A gentleman who occupied a house valued at 120*l.* a year according to the poor-law valuation, stated that his liabilities for the last year (allowed to be a fair average year) on account of the rates which the Town Council propose to replace by the general rate, amounted to 17*l.* 16*s.* (see the Evidence of Mr. John Whitty). According to the graduated scale these liabilities would amount to 27*l.*, and according to the proposed scale, 18*l.* This is quite irreconcilable with the assertion of the Parliamentary Committee, that the aggregate amount of the taxes in question exceeds the amount above stated (3*s.* in the pound).

No evidence was laid before us to justify a confident hope, that "when the citizens are relieved from overpaid and unnecessary officers, the 2*s.* in the pound on the poor-law valuation will suffice;" in other words, that the rate may then be safely reduced one-third; for the assessable value of the city being about 666,000*l.*, a third of the general rate (or 1*s.* in the pound) would be 33,300*l.* Such statements have evidently been hazarded without even computing the amount actually paid or payable under any circumstances to officers; and, with reference to prospective reductions under the head of salaries, it is to be observed, that the greatest mischief and waste of money might ensue, should the Town Council persevere in the system (hitherto pursued in the Pipe-water Department) of employing officers of an inferior class for duties requiring scientific knowledge as well as experience and integrity. As to the present number of collectors, the number is of little moment so long as they are paid by a fixed per centage, though a collector might be content with a lower per centage if he had a larger amount to collect from the same ratepayers. No collector is at present paid more than the proposed discount for prompt payment, namely, five per cent.

The statements in the foregoing report respecting the sewer rate have also been made without due consideration. A sewer rate of 1*s.* in the pound for two years, would yield but 66,600*l.*, making no allowance for the expenses of collection, or for unpaid arrears, which would be considerable; for we collect from Sir Drury Dickenson's evidence, that arrears of pipe-water dues have been remitted in about 600 instances per annum, on an average; and a clause (sec. 263.) of the proposed Bill gives the Town Council full power to reduce or remit rates on account of poverty or sickness. The sum that could be raised by a loan on the security of a rate, would of course be considerably less than the aggregate sum payable under it; and even the rate of 4*d.* in the pound for eight years would not meet the exigency, for its immediate value (making no allowance for arrears or expenses of collection) would not exceed 72,000*l.*; and no prudent lender would advance 60,000*l.* on it.

Again, until the sewers have been carefully examined, plans settled, and estimates made by competent persons, it is impossible to do more than guess what a complete and improved system of sewerage will cost. Mr. Tassie, one of the supervisors, stated that he had found the oval-shaped sewer answer best, but that the original expense was more than double that of the ordinary sewer. If, therefore, it were eventually determined to construct oval-shaped sewers throughout Dublin, this would more than double the required outlay; and if it were farther determined to construct two main sewers along the river, an additional 70,000*l.* might be required. We merely suggest these points to show how delusive all statements of probable expense must be at present.

There was no evidence before us to shew that (as stated in the above report) "a very large proportion of the houses, 13,400 in number, valued from 1*l.* to 20*l.*, are the property of wealthy persons and house-jobbers." But if by house jobbers be meant leaseholders or other persons with limited interests, the fact should have been clearly ascertained in the first instance; not merely for the purpose of testing the propriety of the graduated scale, but in order to determine in what manner rates imposed with a view to durable improvements should be distributed.

distributed. This consideration is strongly pressed by Mr. Chadwick, who says: "In many town districts the great bulk of the house property is owned by lessees; and the lower the description of property, commonly the greater the state of subdivision, of complexity of the ownership, and the shorter the terms of interest on which it is held. In Liverpool the expenses of draining, paving, and improving extensive house property, fell (according to the provisions of Lord Normanby's Bills, upon persons defined as owners "in receipt of the rents and profits,") upon lessees who had only four or five years of their leases unexpired; and these charges for imperfect works amounted, in many instances, to a confiscation of their remaining property." We quote this to illustrate the injustice that may be done by ill-considered legislation; for most of the works that, on a scientific survey, would be found necessary in Dublin, would be works of a durable character for the general improvement of the city. It is therefore a very important question, which has evidently met with little attention from the Promoters, over how long a period the expense should be distributed.

We give the Promoters credit for the best intentions when they say, that the general rate cannot under any circumstances exceed 3s. in the pound, nor the sewerage rate 4d. in the pound. Of course the assigned limit could not in either case be exceeded without a renewed application to Parliament. But it is obvious that, if the required powers are granted and the improvements commenced, it will be no longer possible to stop. Estimates founded on accurate data may, even in the first instance, far exceed the sums named by the Promoters; and if the works are ordered without a comprehensive survey, or without proper precaution, a great deal of money may be uselessly expended, and the eventual cost indefinitely increased. In such a contingency additional powers of taxation would be demanded, and could hardly be refused.

We were told of other corporations, which (it was said) enjoyed powers similar to those claimed for the Corporation of Dublin, but it did not appear whether such powers had been beneficially employed or the contrary.

So far as the public opinion of a large city can be ascertained, it appeared to us that a great majority of the ratepayers who from intelligence and property were most entitled to attention on such a subject, were decidedly adverse to the Bill, on the ground principally that they did not think the Town Council fit to be trusted with the powers claimed for them. (*See the evidence of Messrs. Chamberlayne, Brooke, Crosthwaite, Butt, Boyce, &c.*)

No evidence was offered on behalf of the Promoters to prove that the constituent body agreed with their representatives in the Town Council as to the Bill.

It is no part of our duty to suggest measures, and we do not think it advisable to go further into details. One marked effect of the local inquiry was that all the parties most interested were thereby made aware of the real scope and importance of the proposed enactments; and even the Promoters must now be convinced that surveys and calculations of a far more systematic and scientific character than any they have set on foot yet, must be instituted, before this Bill, or any Bill like it, can safely pass into a law.

A. Hayward.

Charles P. Brassington.

Dublin, 27 February 1847.

LIST OF DOCUMENTS FORMING THE APPENDIX.

- 1.—Abstract of the Wide Street Acts.
 - 2.—Return of Receipts and Expenditure of Commissioners of Wide Streets, from 1833 to 1843 inclusive.
 - 3.—Return of Debts due by the Corporation.
 - 4.—Expenses consequent on the passing of the Acts 3 & 4 Vict. c. 105 & 109.
 - 5.—Return of Parliamentary Costs incurred by the Corporation of Dublin from November 1841 to 1 January 1847.
 - 6.—List of Persons appointed by the new Corporation, showing the Name, Office, Salary, Religion, and Politics of each.
 - 7.—List of Protestant Officers of the present Corporation.
 - 8.—List of Offices wholly abolished.
 - 9.—List of Officers removed whose Compensation is paid by their Successors in office.
 - 10.—Statement of the Attendance of the Council of the Corporation.
 - 11.—Statement of the Attendance of the Committees of the Corporation.
 - 12.—Return of the Number of Meetings of the Pipe-water Committee.
 - 13.—Summary showing Receipts and Disbursements of Pipe-water Department, from November 1841 to January 1847.
 - 14.—Analysis of Property rated to the Relief of the Poor, with a proposed Scale of Taxation for local purposes.
 - 15.—Number of Houses, and Value, in Stephen's, Andrew's, and George's Wards.
 - 16.—Statement of Number of Houses in each Ward rated at 10*l*. and upwards, and Number of Representatives each is entitled to return to the Town Council.
 - 17.—Report of the Finance Committee to the Corporation, dated 18th April 1843.
 - 18.—Return of Litigated Causes in which the Corporation have been engaged; Costs therein, &c.
 - 19.—Statement submitted to the Chief Secretary of Ireland by certain Members of the Corporation, dated 8th January 1847.
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Dublin Improvement Bill.

MINUTES OF EVIDENCE

TAKEN BEFORE

ABRAHAM HAYWARD, Esq. Q. C., AND

CHARLES PETER BRASSINGTON, Esq., LAND SURVEYOR.

At the City Assembly House, *Dublin*, upon a Preliminary Inquiry respecting
the DUBLIN IMPROVEMENT BILL.

[Note by the Reporter.—Much of the information given at this Inquiry was communicated in the shape of Returns, Documents, and Statements; and, generally, it was in reference to disputed facts that Witnesses were formally examined.]

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27 January 1847.

Dublin
Improvement.

Keith Hallows, Partner in the Firm of *Robert Hamilton & Co.*, Solicitors of Her Majesty's Commissioners of Woods, &c., Sworn and Examined.

27 January 1847.

Witness hands in "Saunders's News Letter" of the 11th of January 1847, and "The Freeman's Journal" of the same date, containing advertisements of a public notice that a meeting would be held this day at the City Assembly House, *Dublin*, by the Surveying Officers appointed for holding this inquiry, for the purposes in the notice mentioned. Witness also saw on the 11th January 1847, notices posted in public parts of the city of *Dublin* to the same effect.

The case of the Promoters was then opened by their Counsel.

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William Ford, Esq., Town Clerk, Sworn and Examined.

Witness. With respect to the constitution of the Corporation of *Dublin*, its members are elected by persons qualified in respect of premises which are rated as being of the annual value of 10*l.* or upwards, who have paid their taxes within the time limited by the Municipal Act. Witness hands in a sheet of paper, at the head of which are printed the various taxes payable by the electors in *George's Ward*. The Puddle tax is not included among the taxes mentioned in this sheet, because the Puddle River does not run through *George's Ward*. If the electors omit to pay any of those taxes their names are struck out of the list by the town clerk. The Society of Quakers are disfranchised because they refuse to pay the ministers' money. This tax is levied on them, but they will not pay it except on distress. The corporation hold an estate which they manage, and it produces, in round numbers, about 15,000*l.* per annum; it is situated in and in the neighbourhood of the city of *Dublin*. The land was granted to the corporation by the Crown. Amongst the rents received by the corporation is one payable in respect of the River Liffey. The estate of the corporation is an improving one; their leases are dropping in. The corporation meet in the City Assembly House, *William-street*. There are four quarterly days of meeting. They manage their estate by a treasurer, who receives their rents. The treasurer is bound within 48 hours to lodge any money he may receive in the Bank of Ireland, to the credit of the borough fund. The treasurer is appointed by the corporation. He cannot draw on that fund except on an order signed by the town clerk and three of the council. The corporation manage the Pipe-water department (in which there are six collectors) by a committee selected from the House. The Committee of Pipe-water consist of 20 members. There are also a Committee of Law and Lease, a Committee of General Finance, special committees on special subjects, according to the

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the number that may be moved in the council, and a Mansion House Committee which regulate the Mansion House. The town council meet every quarter. The Committee of Pipe-water meet every Saturday in the year. The Committee of Law and Lease should meet weekly, but they meet whenever there is a press of business.

Mr. Dolan. Have not frequent complaints been made that they do not attend?
Witness. There have been frequent complaints made among the members themselves that they do not attend.

Mr. Hayward. Has the transaction of business been impeded by their non-attendance?

Witness. I do not think so. I will state their duties. Memorials for the renewal of leases are referred to them, and they report on them to the House; the question is then disposed of as to whether the party is to get a renewal of his lease or not; they also report on leases that have expired.

Mr. Hayward observed that if the Law and Lease Committee did not regularly attend, it must surely occasion some inconvenience, as it was their duty to report on memorials.

Witness. It can scarcely do any injury.

Mr. Dolan stated that reports on memorials had been postponed for a month.
Witness thinks the Law and Lease Committee meet too often, certainly too often for the town clerk. Knows of no person requiring a lease that has not got it, and of no property remaining unlet.

Mr. Hayward. Have there been complaints of the non-attendance of the Law and Lease Committee?

Witness. None, except among themselves.

Mr. Hudson. (A Member of the Town Council.) In the case of Mr. Kelly of College Green, was his house set up by auction?

Mr. Hayward. How do you propose making that bear on this inquiry?

Mr. Hudson. It is very important that every house belonging to the corporation should be set up by auction.

Witness. The tenant alluded to was tenant in possession, and he paid 80 l. a year for the ground alone. The rule of the corporation at this moment is, that all property shall be set up by auction, except where the tenant is in the occupation (the present tenant became entitled, under the former corporation, to claim the right of renewal). A memorial is sent in by the party seeking a renewal; it is read in the council, and referred to the Law and Lease Committee; they give their opinion on it; the opinion is read in the council. The report lies here for one week to be confirmed, and being confirmed the person gets the lease.

Mr. Brassington asked if there were any valuation made of the property.

Witness. There is; all is done publicly before the world. Never heard a complaint that any places was not set at its full value.

Mr. Hudson. In case any person bids for property set up at auction do you take any security from him?

Witness. A year's rent must be lodged with the auctioneer.

Mr. Hudson. Was not the house now occupied by Mr. West sold by public auction to Mr. Reynolds?

Witness. That house was set up and sold by public auction, and the bidder was let off by the public act of the council. It was there set up and taken by Mr. West.

Mr. Hayward. Why did you let off Mr. Reynolds?

Witness. I believe it was thought better to let him off than to get into a law-suit. Mr. Reynolds was not a member of the council at the time.

Mr. Hayward (to Mr. Reynolds). Perhaps you would tell us on what grounds you were let off.

Mr. Reynolds. At that time I was not a member of the council. I attended the auction and was declared the highest bidder; I was called on to lodge the usual deposit. The rule of the corporation is that a year's rent is to be paid in advance, for which the tenant gets credit at the expiration of the lease. I paid a fourth of the purchase-money, and I received a draft of a lease from the attorney of the corporation; I sent that draft to my solicitor; he objected to some penal clauses contained in it, and he advised me not to accept a lease on the terms; and he stated to me, that on comparing the clauses in the draft with the conditions of sale, they were found to be at variance.

Mr. Hayward. This ends the whole thing; you gave up the bargain, the conditions of sale being at variance with the draft; there was no favouritism shown to you in this transaction.

Mr. Reynolds. The corporation held my money for several months.

Mr. Hayward. In fact you were not let off, but you refused to complete your contract on the advice of your solicitor?

Mr. Brassington asked Mr. Ford would he consider it right to hold any man in a bidding that was too high.

Witness. I think every bidder is bound to make his calculation beforehand, and I take it he is liable in point of law to be held to it, as far as I can judge. It was not the wish of the corporation to favour Mr. Reynolds.

Mr. Hudson asked the Commissioners would they receive evidence as to the money that was expended by the corporation in law-suits?

Witness. I am going to state that when the corporation came into possession after their election, they found the estate in the hands of a receiver from the Court of Chancery. I hold in my hand a list of the names of seven gentlemen who out of their own pockets paid the debt on account of which the receiver had been appointed; it was a judgment debt.

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Those gentlemen advanced at the time 2,000 *l.*, on which they are getting four per cent from the corporation.

Mr. *Haden* thought Mr. Ford should make out for the Commissioners a statement setting out all the law-suits this corporation had engaged in since they entered into power, the results whether successful or not, and the amount of the costs paid by them. It would enable the Commissioners to judge as to whether the expense of those law-suits was justifiable or not. He contended it was not.

Witness. I am town clerk since November 1842. I don't say that the former corporation were the persons who instituted those suits; but the rights of this corporation were resisted by persons who formerly held authority under the Lord Mayor. Some of those suits are to this moment undecided, and we all know that there is expense attending even the formal assertion of rights.

Mr. *Hayward*. I don't know that we can go in detail into the question of the law costs; how much do they amount to on an average?

Witness. I think the law costs have been about 1,100 *l.* a year.

Mr. *Hayward*. Is it possible?

Witness stated that the Parliamentary costs were not included in that sum; that there was a Bill for altering the rates brought into Parliament on the suggestion of the corporation, by Lord Elliot, who was then Secretary for Ireland, (the great grievance of Dublin being the standard of taxation,) and that when the Bill was going through The House, a clause was introduced, that the costs of changing the rates should be at the expense of the corporation; the Parliamentary costs paid by them in that case were about 400 *l.*, and the costs of the Bill for extending the pipe water to the suburban districts were 800 *l.*; but so chary were the corporation of the public money, that witness, being town clerk, was only allowed 2*l.* 8*s.* a day for his expenses of attending in London, and for drawing those Bills; and when he came over here it was proposed, in the corporation, that as he got 400 *l.* a year salary as town clerk, and 100 *l.* a year for a clerk (which he says is a miserable salary), a guinea a day should be taken from his salary during the time he was in London, which was accordingly done. Last year there was another Bill, and there was 100 *l.* voted by the corporation for that Bill, which was withdrawn; and there was another 100 *l.* given by the corporation to oppose the Wide Street Bill. The 800 *l.* included all the expenses of passing the Pipe Water Extension Bill, a Bill which would, in witness's mind, have been invaluable to the people on Pembroke Road.

Mr. *Dolan*. A single individual has not availed himself of that Bill since it passed. The fact is admitted, that not a single individual has availed himself of a Bill that cost 800 *l.* Let me ask, were not two members of this corporation paid 75 *l.* each for their expenses as witnesses on that occasion in London?

Witness. They were paid their expenses at a very moderate rate.

Mr. *Dolan*. This Bill seeks to extend the pipe water to the suburban districts, and yet nobody ever applied to have the benefit of it; every individual in the rural districts, except one or two, is opposed to it.

Mr. *Reynolds* said he was paid 50 *l.* for his expenses in attending as a witness on that Bill; that he was a ratepayer, and he knew no right that any one had to bring his name forward in this manner.

Mr. *Hayward*. Every observation that has been made, intended to reflect on you, has been perfectly answered.

Mr. *Dolan* said he did not mean to cast the slightest imputation on Mr. *Reynolds*, but he did on the corporation.

Mr. *Hayward*. I don't understand how that Bill could have passed, unless it had been called for, in some sense, by the persons to be affected by it.

Mr. *Dolan*. The Bill, as brought in, contained a clause giving the corporation compulsory powers; we opposed it, and the result was, the House of Commons said it should be withdrawn.

Mr. *Reynolds*. I beg to say no Bill was ever more unanimously demanded, saving by a small portion of the Rathmines inhabitants, whom Mr. *Dolan* represented; in other districts the Bill was most unanimously begged of us.

Mr. *Hayward*. How does it happen that of those parties who were so very desirous for the Bill, none have applied since to get the benefit of it?

Mr. *Reynolds*. Mr. *Dolan* is a large proprietor of house property in Rathmines; he combined with other house proprietors to run down the Bill, and to state to the ratepayers that, if they permitted the pipe water to extend to Rathmines, it would throw on them the burden of the other city taxes.

Mr. *Hayward*. Allowing that an influential man can have that influence in one district, still there were other districts, and it is stated that these have not applied for the benefit of the Bill.

Mr. *Reynolds*. Mr. *Dolan* was not satisfied with acting on the public in that district, but he pursued a rumbling system of agitation against the Bill, and visited Sandymount, where he had no property, and by a wholesale system of alarm and misrepresentation, succeeded in setting up opposition to the Bill. There are clauses in the Bill requiring certain preliminary steps to be taken before the Bill can be acted on, and we found ourselves so opposed that we took no part in inducing the people to come forward to get the benefit of the Bill. We had memorials from the inhabitants of Pembroke Road, who are included in these rural districts, imploring us to extend to them the benefit of the pipe water.

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Mr. *Hayward*. And not one of these ever came forward to avail themselves of the provisions of the Bill.

Mr. *Reginald*. I know the great bulk of the owners of property in the rural districts would look on the extension of the pipe water to them as a great blessing, but they believe Mr. Dolan's statement, that it would be productive of introducing local taxation among them.

Mr. *Hayward* observed that this discussion had arisen in consequence of Mr. Ford having given evidence of something that looked like a job on the part of the corporation.

Mr. *Dolan*. I say the corporation are so reckless of their funds, they are not fit to be trusted with power.

Witness. That Bill was applied for by memorials from the inhabitants of Pembroke Road; on my oath, Mr. Jackson, a holder of property in Rathmines, was one of the witnesses, who being in London at the time, supported the Bill.

Mr. *Dolan* (to the *Surveying Officers*). I only want the simple fact on your minutes that not a single individual up to the present time has applied to get the benefit of the Act.

Mr. *O'Hea*. There must be an application made by the inhabitants first to have main pipes laid, and Mr. Dolan took special care that such an application should not be made.

Mr. *Hayward* asked if the inhabitants of those rural districts were still in want of water.

Witness. They have applied to Parliament for a Bill for themselves. Mr. Alderman Boyce, who has a large property on Pembroke Road, drew up a petition on the subject last summer for the inhabitants to sign; afterwards the Ministry was broken up, and he having so much business to attend to, the object of procuring the Bill was not carried out.

Mr. *Dolan* (to the *Surveying Officers*). You are aware that under the 11th section of the proposed Bill, there is a power taken to superannuate existing officers; I wish to suggest that you would call for a return of the number of officers who may, under that section, be superannuated.

Mr. *O'Hea*. If they are unnecessary in point of number to keep on, we propose to dismiss them, and give them one-third of their salary. They now get their full salary.

Mr. *Dolan*. I wish to refer you to the report of the present Judge Perrin on this subject.

Witness. It was read by Mr. O'Hea in his statement.

Mr. *Dolan*. I shall refer to page 88 of that report, and not say another word on the subject. The following is the passage referred to:

"Thus, a sum of 38,000*l.* in actual payments, and a continuous charge of 800*l.* a year have been incurred for persons, few, if any, of whom had any sort of claims, who, if fit for official duty, ought to have been appointed to perform it, if unfit, ought not to have been pensioned upon the citizens."

I venture to say 9,000*l.* will never meet the expenses of superannuation, I have right to take the maximum. The corporation may, if they please, under this Bill put every one of these officers on the superannuation list.

Mr. *O'Hea*. The answer to this is extremely short. There are at present 60 collectors of taxes in the city of Dublin; nine of these should do the business; 20 of them now could do the business; the remainder of them are on full salary; and it must be cheaper to pay them a small portion of that salary and dismiss them, than keep them on full salary. Let Mr. Dolan, or any of the citizens of Dublin, make it imperative on the corporation to retain as many of the persons now employed as are competent to do their duties, and not superannuate any except such are incompetent.

Mr. *Dolan*. I think the citizens of Dublin have a right to thank me for this concession.

Mr. *Hayward* asked, would it not be the answer to every objection of this sort that the town council was a representative and responsible body. The objection involved the very essence of the Bill. It was, that the town council was such a body as would not be checked in the distribution of their patronage and superannuations.

Mr. *Dolan* hoped the Commissioners would get a return of the officers of the old corporation who were superannuated by the present corporation.

Witness said that several of these officers of the old corporation had been superannuated under the terms of the Act of Parliament, and that he would read the report of the corporation upon the subject.

[In the course of this day's proceedings several documents were put in, and discussions took place regarding them. Arrangements were also made regarding the future order of proceeding.]

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Examination of Mr. Ford resumed.

Mr. Hayward. You stated that the Committee of the Pipe-water Department consisted of 20 members; how often do you say they meet? 29 January 1847.

Witness. Their duty is to meet weekly. The Committee of Law and Lease also consist of 20 members, and their duty is to meet weekly, but the members complain among themselves of their irregular attendance. The Committee of Finance consist of 20 members, and they meet every Monday.

Mr. Hayward wished to know how often the committees met for the discharge of their duties, as he wanted to see what portion of their time was occupied by actual business.

Witness said he would give a return of the number of the meetings of each committee; five form a quorum. The collector of the pipe-water tax informs witness that three form their quorum. Witness hands in to the Surveying Officers the following return of the debts of the corporation:—

"Old city debentures, 100,523*l.*, at an interest of 4 per cent.; a pipe-water debt of 72,200*l.*, at an interest of 6 and 5 per cent.; and new city debentures, 30,000*l.*, at an interest of 6 per cent.

"The corporation, taking advantage of the high price of public securities in the years 1841 and 1842, reduced the interest on the two last classes from 6 and 5 per cent. to 4 per cent., and thereby effected an annual saving of 1,333*l.* 1*s.* in payment of interest; but for this operation they paid a bonus of 1,200*l.* to the banking establishment who enabled them to effect that reduction; added that sum to the debt, at an interest of 4 per cent., also the costs necessarily incurred in effecting that object. The entire arrangement was effected under the sanction of the Lords of Her Majesty's Treasury."

Mr. Hayward inquired how much of this debt had been incurred before the present corporation came in?

Witness. All of it. The accounts of the corporation are audited half-yearly, and published annually. The assessors at revisions are two barristers, one for each party; there are three auditors; no complaints have been made against them since their appointment, and they give general satisfaction. The accounts of the corporation are sent to the Audit Office, London; and witness must say of the Audit Office, that they have their accounts for every year, and never sent one of them back. The Audit Office made no objection to the accounts of the corporation, but they called for explanation, which they got.

Mr. Hayward. Have there been any complaints made by the citizens of Dublin in regard to those accounts?

Witness. We publish our accounts every year; there have been no complaints as to any item in them; there were complaints made as to the laying on of a borough rate. Besides the debts already mentioned, expense was incurred by the passing of the Act of 3 & 4 Vict.; in the first year of its operation, when the corporation had no control over the expense, it was 7,161*l.* 10*s.* 11*d.*, including 1,615*l.* 4*s.* 4*d.*, the expense of revising barristers. The expense in the year 1842 was 3,674*l.* 5*s.*; that was before witness was appointed town clerk; he was appointed in November 1842, and that year he applied to Lord Effort, and an alteration was made in the Act, the result of which was, their expenses in the following year were reduced to 1,533*l.* 18*s.* 11*d.*

Mr. Hayward stated that he did not think it necessary that the witness should go into those accounts, as if any complaint should be made against the corporation for wasting the public money, he could then answer it.

Witness said he wanted to show how the corporation had reduced their expenses; that they got the Act altered, and the result was, that their expenses were reduced; and he handed in the following account of the expenses of the borough revision since 1841.—(See Appendix, No. 4.)

Mr. Thomas Astlell, sworn; and Examined by Mr. Ford, the Counsel for the Promoters being absent.

Witness. Is a Surgeon by profession, a member of the College of Surgeons, London, and an analytical chemist and teacher of chemistry; has been a member of the College of Surgeons, London, since 1830, and been residing in Dublin since 1840; has paid some attention to the sewers of Dublin, in regard to their effect on the health of the citizens generally, and the result of their emptying themselves into the River Liffey; lived for about a year and a half on Ormond Quay; as far as witness is aware, the whole sewerage of Dublin goes into the River Liffey; there are parts of the sewerage which do not go directly into the Liffey, but into the River Poddle, which flows into the Liffey; there are about two dozen of sewers opening into the Liffey on both sides of it; in some places they are in double rows, as at Essex Bridge; part of the sewerage does not go directly into the Liffey, but laterally; is not exactly informed as to whether any portion of the contents of the sewers

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is carried off for manure. The Liffey is a tide river, and when the tide comes in it leaves no exposed shore; the action of the tide coming in is not to wash everything up with it; it meets a current of water coming down, and matter is deposited on the bed of the river. The tide in Dublin rises about eight feet at high water; it goes up the river as far as Chapelizod.

Mr. Henderson. There is a salmon weir which stops the tide at the distance of about half a mile from Dublin.

Witness. The greater part of the soil is not carried down to the sea, but is deposited on the bed of the river, and when the sun acts on this deposition, it decomposes it and produces a very unpleasant smell; and those who live on the banks of the river in summer, when the sun rises, must close their windows, the result of which was injurious to health, and ultimately attended with loss of life. Besides being injurious to the health of the citizens, very great loss is sustained by the community by reason of valuable manure going into the river. The substance which is thrown out from the sewers is nearly the same as guano, for which a high price is paid; it would be a very valuable manure if preserved for that purpose. Witness some time ago brought under the notice of the Royal Dublin Society a plan for its preservation, and for the alteration of the sewers. (Witness here produced a map, and explained to the Commissioners the nature of his plan for an improved system of sewerage, and he pointed out to them the positions of the intended reservoirs, sewers, sluice-gates, &c.) With respect to the saving that, according to witness's plan of sewerage, would be effected by the preservation of the soil now carried into the river from the sewers, witness calculated that the return from the sale of this soil would amount to 20,000*l.* per annum, supposing it to be sold at 3½*d.* a ton. The soil could be sold for that sum per ton, because the Metropolitan London Sewerage Company sell it for 4*d.* a ton, and in other places it is sold at 3*d.* a ton, so that witness's calculation is under the average.

Mr. Brassington. Would not a great injury result to the property adjoining the proposed reservoirs?

Witness. Property is of less value there than in any other place in Dublin; I think there would be no injury to property, if you mean by that injury in consequence of the effluvia. The reservoirs would require four or five acres of surface; they should be made in the ordinary way with common earth, sided with stone; a common clay bottom would be sufficient.

Mr. Hayward (to Mr. Ford). Do you intend to adopt this plan; is the plan this gentleman has explained to us your plan?

Mr. Ford. We will adopt the best plan.

Mr. Hayward. I want to know if you have a definite plan; you ought to come with a definite plan, and with sections showing the details of a definite plan.

Mr. Ford. What we, as the corporation of Dublin, say, is, that the health of the citizens of Dublin is greatly injured, and property along the quay injured by the present system of sewerage; and we call Dr. Antisell to prove these things to you, and to show the best plan for improving the system of sewerage.

Mr. Hayward. It comes to this, you have no definite plan.

Mr. Ford. Except for making these great sewers.

Mr. Brassington. Do you think that a reservoir at Ringsend would not injure property there?

Witness. I scarcely think it would; with a high wall and the low position the reservoir would have, the injury would be very slight. Witness is not acquainted with any similar reservoirs, but has read, in the Health of Towns Commissioners' Report, evidence respecting similar reservoirs that have been established. Witness would propose that the sewerage should be brought out near the River Dodder, but that is a point for the engineer; does not attach himself to any particular spot, his object being to clear out the sewers. Supposing engineering difficulties to exist as to this place, perhaps it would be better to bring the sewerage out on the strand, which would be further from the city; the reservoirs would then be at a distance of about a mile and a half farther from the city.

Mr. Hayward asked on whose property these improvements were proposed to be made, and whether the proprietor of it had received notice about them.

Mr. Ford said the property was the Hon. Sidney Herbert's, and that they had not applied to him, or given him notice on the subject.

Mr. Hayward. Do you suppose that, without giving us a definite plan of sewerage to which you can be confined, you will get a general power from the House of Commons to make sewers any where you like, and that power will be granted to you for this purpose to interfere with any person's property? The peculiar objects of this Act (9 & 10 Vict. c. 106), are not only to compel the Commissioners of Woods and Forests to report, but to enable them to pass an opinion on any given work.

Mr. Ford. I conceive that the health of the inhabitants of the city is of such paramount importance, that when a sanitary law is about to be made, private rights will be made subservient to that law.

Mr. Reynolds. We never intended to go before the House of Commons without plans and sections.

Mr. Hayward. But you are required by the Act of Parliament to come here with such plans and sections, and I think you will be stopped in time unless you have a specific report and a specific plan on the subject; if you do not bring a specific plan before us, and we report generally as to whether you ought or not to have the power you seek for granted

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to you, I think you will be stopped when you come to the House of Commons; we can only report on what comes before us.

Mr. Nelson (to the Witness). Perchance you are aware that a sewer has been lately made in Abbey-street, and the price paid for it was 5 s. per foot; will the proposed sewer be as large and as deep, or larger and deeper than that sewer?

Witness. Much deeper, but different in construction.

Mr. Nelson. And consequently more expensive?

Witness. Not at all; I think the rate of sewerage at present in Dublin is too high.

Mr. Nelson. May I ask you what may be the length in feet or in miles of each of those two sewers which you propose making?

Witness. I cannot speak closely as to that.

Mr. Haywood. I think we had better have your surveyor before we go further.

Mr. Ford. I give this evidence to support a part of your report as to the necessity of a general system of sewerage.

Mr. Haywood. I do not think there seems to be much dispute about that necessity.

Mr. Ford. Would not the mortality of the citizens of Dublin be diminished by adopting this view as to the sewerage?

Witness. I have calculated that 1,350 lives might be saved in Dublin by improving the system of sewerage; it is possible to diminish the mortality 20 per cent. in this way.

Mr. Ford. Are you able to make a calculation as to the value of the street refuse in the city of Dublin?

Witness. On the imperfect way in which the Paving Board manage the refuse, its value is about 800 l. a year; it would be much more if the contents of the streets were emptied into the sewers, instead of being carted away.

Mr. Ford. Would there not be a saving effected by putting the contents of the streets into the sewers, and carrying it away by flushing?

Witness. Much saving; the expense of carting is about 2 l. 10 s. a mile; the expense of flushing would be 7 s. 6 d.

Mr. Ford. Could better metal be procured for the streets?

Witness. Better metal could be procured in the neighbourhood of Dublin; quartz could be procured from Howth or Arklow. Black stone is a great injury to health, for it gets into sand.

Mr. Brassington. Would you say that quartz produces better manure than limestone?

Witness. No; but it leaves the streets in better condition; in fact, you could not flush the streets with the present road metal.

Mr. Haywood. I understand that only one of the basins has a filter; which basin is that?

Witness. Portobello Basin, and it is the one that requires it most; the water contained in it passing through a limestone district is a hard water. There is a loss in domestic economy in the use of that water and an injury to health in using it. Any water that contains above 6 per cent. carbonate of lime is injurious to health; we have removed carbonate of lime from the water to the amount of seven grains in a gallon.

Mr. Haywood. Is there any other improvement that you think would be necessary, as water for the purpose of flushing the sewers?

Witness. The supplies to the basins should be taken much higher up the canal than they are taken at present; the pipes are not full, and not available for the purpose of flushing. The present sewerage of the city of Dublin is not properly constructed; the sewers are not built so as to deliver their contents properly; the sewers become clogged up, and in order to remedy this they have to break open the streets and carry off the refuse.

Cross-examined by Mr. Henderson.

Rather thinks it would not incur great additional expense to make those sewers; is aware that the present Paving Board have no power to make sewers, except by charging the expense on the individuals resident in the street; the sum charged by the Paving Board for making sewers is more than an ordinary builder would charge; the data on which witness forms this opinion are conversations with architects; witness does not assume the plan which he has submitted to be the best plan; calculated the price of the manure at 8 s. per ton, and proposes that it should be stirred up in the tanks, and sold in a state of cream; has no doubt the farmers round Dublin would willingly pay that price per ton for it; is quite sure the farmer would put the manure in that liquid state on the ground, and does so every day, and the complaint is that he cannot get the manure; there is a deposit already in the river, and is quite sure that the deposit in the river is so offensive that it is injurious to the value of houses along the Quay; witness himself lived on the banks of the river, and he was obliged to leave the place in consequence of the stench from the river; the tide leaves three-fourths of the river dry when it is out.

Mr. Brassington quite agreed with Dr. Antisell as to the offensive nature of the effluvia from the river.

Witness (to Mr. Reynolds). Is quite aware that the tide water flows in through the sewers into the kitchens of various houses, on both sides of the Liffey; proposes that the two flush docks, marked in the map, should be fed from the river when the tide is full; the source from which the Blessington-street Basin is fed is the Royal Canal, the summit level of which is 70 feet above high-water mark; the level of the basin at Blessington-street is probably 66 feet above high-water mark, and the summit level of the Grand Canal at Edenderry is 263 feet.

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Parks Neville, Esq., Engineer and Surveyor, sworn; and Examined.

Witness and his father are the city land surveyors. *Witness* is also an engineer; his attention was called to the sewerage of the city of Dublin about a week or ten days ago, and not before; the object of this new sewerage is to prevent a deposit in the river; *witness* has taken, in a very great hurry, a scheme for amending the insufficient sewerage along the Quay.

Mr. Hayward. Have you got any definite scheme of sewerage, which, as a scientific man, you are prepared to stand by; have you, as city surveyor and engineer, fully considered the question of sewerage, sufficiently inspected the ground, and made a survey of it; and do you come here prepared with a definite plan on the subject, on which you will stake your professional reputation?

Witness. The time was so short that my father and I had not the power of making such a plan.

Mr. Hayward. You do not come then with such a scheme?

Witness. The only thing I could support is the possibility of making those two sewers along the quays.

Mr. O'Beir asked the witness his opinion as to the propriety of making those two main sewers.

Witness. They would do away with the present nuisance arising from the present sewers discharging themselves into the river.

Mr. Hayward. Do you present to us any definite scheme illustrated by sections or not.

Witness. I drew a sketch, so far as to find out the feasibility of constructing these two sewers, and no farther, and they can be so constructed; would say that his knowledge of the city is sufficient to enable him to say that this would be a good scheme of sewerage. *Witness* did not enter at all into the subject as to where the reservoirs were to be placed; *witness*, in making his plan for sewerage, did not contemplate reservoirs further than he knew them to be part of the scheme; *witness* is informed that those reservoirs have been constructed in England, so as not to be a disadvantage to the locality in which they are placed, but has not formed an opinion of his own on the subject; conceives no offensive matter would deposit if there were no reservoirs; the length of the sewers on the north side of the river would be about 2 miles 3 furlongs 75 yards English, and on the south side of the river 2 miles 1 furlong 215 yards. The estimate of the probable cost of these two sewers is about 70,000 £ (*Witness* here explained his plan by reference to the map of Dublin produced by *Mr. Antisell* to illustrate his scheme.) *Witness* proposes there should be sluices, and that the water should be brought down by a race, which could always be commanded without any tanks at all; if the manure is not preserved, it all falls into the sea.

Mr. Henderson handed in a plan of sewerage proposed by the Paving Board.

Witness. Never saw the plan of these intended sewers prepared by the Paving Board. *Witness* was never called on to give a plan until about ten days ago.

William Ford, Esq., Town Clerk, re-examined.

Witness lived, in the year 1839, on Arran Quay, in one of the best houses on that quay, which he rented at 42 £ a year and taxes. The effluvia from the river in that locality was so offensive that he was obliged to take himself and his family out of the place, and since then that house has been inhabited but very seldom; could not stand the effluvia from the river in the summer season; all his children were dying. Also lived on Usher's Quay; the effluvia from the river in the summer months was there also quite offensive. *Witness* and his family were obliged to leave Arran Quay, and to go to the country. *Witness's* house, and the two houses next it, were the only houses that would not be inundated by the tide from the river. Is of opinion that these things are a great injury to property along there. The rent of *witness's* house had been reduced by the payment of fines to 42 £ a year, and even at that rent he could not remain in it. *Witness* went to live in the country, which was a loss to the neighbourhood.

John Reilly, Esq., sworn; and Examined.

Witness. Is the Secretary to the Paving Board; produces a map on which the sewers of the city are marked; the large sewers are coloured scarlet, and the small ones blue. The Board are under the impression that sewerage is necessary every where in the city, but their powers are insufficient for making it. In all the streets not marked on the map as having sewers, there are none; there are some insufficient sewers in Sackville-street, but there is one of considerable extent from Earl-street to the Rotundo, on the west side; it goes down Earl-street and falls into Mayec's-street, and then into the river; there is a small sewer in Henrietta-street.

Mr. Hayward. I want the names of the streets in which there are no sewers.

Witness. There are no sewers in Westland-row, and the north side of Merrion-square; the latter is drained by sewers in the Stable Lane in the rear; should say that these sewers were not sufficient; they have no sewers in Townsend-street; they may have cess-pools, and temporary accommodation of that kind; cess-pools are not immediately under the control of the Paving Board. There are no sewers in Henry-street, nor in North King-street.

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street, to a certain extent. In the places on the map where there are blue marks there are small sewers; cannot say that these are insufficient; rather thinks they do their duty; hears no complaints about them; the sewers marked blue on the map are very small, and are flagged on the top and bottom; the large sewers are built on one principle since 1807; all the small sewers were then in existence, but afterwards the large ones were built; since 1807 a superior kind of sewer has been regularly built. The Board have power to amend the sewers, but if they do amend them they must charge the expense on the adjoining houses. The powers they have are given them by the 34th Geo. 3, chap. 211, sect. 26; and they must also, if they build a sewer, assess the expense on the premises situated in the street; they can do this by their own authority, without the consent of the inhabitants. The Board have not the funds, but they have the legal power to do so; the expense is borne out of the ordinary funds, and then there is power for them to assess the expense and reimburse themselves; they are obliged to pay the contractor, and are seldom able to reimburse themselves for several years afterwards, and a very large balance is due to the Board at present. Great George's-street North has no main sewer; they have a sewer that answers their purpose, which passes through their mess, and they are satisfied with it. The Board convened a meeting of the proprietors of the premises in that street, and there was a universal dissent to making a main sewer; that is the practice adopted by the Board; if there is a universal wish for a sewer they make it. Liffey-street has no sewer. The Board are obliged to report annually to the Lord Lieutenant, and they have in their Reports invariably suggested the need of power to make sewers. The want of power to make a general rate for sewerage has been constantly imposed on the attention of the Government. It is singular the opposition that is given to the construction of main sewers. It is a true statement of facts that in the city of Dublin there are several important streets in which there are no sewers at all under the control of the Board; and in a great many streets insufficient ones. On the west side of Stephen's Green there is no sewer. It is four or five years since a main sewer was made on the north side and east side of Stephen's Green. The map handed in was prepared by the supervisor of works, and sent in by the Board as illustrative of the Report. In the Board's Annual Report for the year 1846, a computation is entered into to the effect that every street, lane, and alley could have sewers constructed in them in the course of ten years; and a rate of 2d. in the pound would supply a fund for the purpose. The expense of constructing sewers where there are none at present, on the north side of the Liffey, is computed at 37,020*l.*; at the south side, at 21,561*l.*; both making 58,581*l.*; this computation is made on a rate of 2d. in the pound on the valuation of premises liable to the paving and lighting tax, and a proportionate rate on public buildings; each levy would amount to 4,906*l.* 8*s.* 8*d.*, and 392*l.* 3*s.* 4*d.* respectively, 2d. in the pound being one-seventh of the paving and lighting tax; the like proportion on public buildings would produce the latter sum.

Mr. Reynolds. If 2d. in the pound would be sufficient for this purpose, how does it happen that your expenses are nearly 3,000*l.* in one year?

Witness. I cannot tell; the ground where it is proposed by Mr. Antislill's plan to have those reservoirs, is artificial ground under high water, and there would be no means for the liquid to go off; there is no demand for that kind of manure in Dublin.

Mr. Heywood expressed himself as not at all satisfied with the amount of information that had been given by the promoters of the Bill, with a view of showing the feasibility of the proposed plan of sewerage; he thought the promoters of the Bill should have got a more complete map prepared; and he said that he should have expected that a plan of sewerage, consisting of about 30 members of the town council; the city estates are managed by what is called the law and lease committee, of which witness is a member; and there is a finance committee having the superintendence of the money matters. The pipe-water committee meet every Saturday, and transact all business connected with supplying water to the citizens at large; five of them make a quorum; when the committee have agreed on any matter it is submitted to the council on the following assembly day, by a report signed by the chairman; the report is laid on the table for a week, during which time the

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John Reynolds, Esq. sworn; and Examined by Mr. O'Hen.

Witness. Is a member of the town council, and has been a citizen of Dublin for about 23 years; has been constantly resident in Dublin for that period; has been acquainted with the mode of taxation adopted in Dublin, and taken a very active part in endeavouring to mitigate the pressure of taxation during that time; as a member of the town council witness is acquainted with its mode of working; the town council has the exclusive management of the pipe-water department, producing about 14,000*l.* a year; also the management of the city estates, producing about the same amount, both making something under 30,000*l.* a year; the pipe-water department is managed by a pipe-water committee, consisting of about 30 members of the town council; the city estates are managed by what is called the law and lease committee, of which witness is a member; and there is a finance committee having the superintendence of the money matters. The pipe-water committee meet every Saturday, and transact all business connected with supplying water to the citizens at large; five of them make a quorum; when the committee have agreed on any matter it is submitted to the council on the following assembly day, by a report signed by the chairman; the report is laid on the table for a week, during which time the

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members themselves may inspect it, and on the following week it comes on for discussion; has known reports, after lying on the table for a week, being sent back in various instances to the committees for revision; the discussions take place in the public room of the city assembly house, with the reporters of the public press present and the public; all debates there are printed for the citizens of Dublin through the daily press; he believes it impossible that anything of importance regarding the taxation or management of the corporation estates could be done by them without the knowledge of the citizens at large; accounts of the receipts and disbursements of the corporation of Dublin are audited and published annually, and distributed among the members of the council, and given to the public on payment of 1s. for each copy under the Municipal Act. The corporation have invariably done that duty; there is likely soon to be considerable increase of estates of the corporation. It is a rule that all house property and landed property coming into the possession of the corporation should be advertised and let by public auction to the highest bidder, and that has been the practice of the corporation. There are some exceptions, namely, where the tenants are in possession.

Mr. Hayward. We have this already; you are repeating what has been said by Mr. Ford. I should like some account of the amount of attendances given by the committees; for example, for the space of six months. There are two questions involved in this part of the inquiry: viz. the willingness of the members to attend, and the quantity of time given to attendances; how much of their time has been occupied in actual business. The objection to the corporation is, that they would not attend, and that, if they did, they would have too much business to do.

Witness. The pipe-water tax is fixed by Act of Parliament; it is an ad valorem tax on house property in the city of Dublin, and must be paid by each house, depending as to amount on its value under the poor-law valuation. The committee have no power to deviate from the rules laid down by the Act; the pipe-water rate is regulated by the Act, and they cannot travel out of it. The only taxing power the present town council possess is under the Irish Municipal Act, by which they are enabled to put on a borough rate, not exceeding three-pence in the pound annually on the poor-law valuation, for the purpose of defraying the expenses incurred in carrying out the provisions of that Act. The town council are obliged to make out an account, or schedule, showing the deficiency of the sum necessary to carry out that object, and the amount required to make it up; they are obliged to lay these schedules on the table, and a week's notice being given to the members of the council, a discussion follows; and if a majority of the council so decide, a tax is laid on for the purpose, not exceeding three-pence in the pound annually on the poor-law valuation. The corporation have exercised that power twice since the year 1842; on one occasion they laid a rate of 3d. and on another 2½d., which latter is now in a course of collection. The paving, lighting, and cleansing tax is assessed by the Paving Commissioners; the grand jury cess by the grand jury, who are summoned by the high sheriff; the wide street tax is assessed by the Wide Street Commissioners, who are appointed by the Lord-Lieutenant; the police tax is assessed by the Commissioners of Police, who are appointed by the Government. None of these taxing bodies are at present under the control of the citizens of Dublin. They are all outside the control of the ratepayers.

Mr. Hayward. All this is to be found in the Acts of Parliament. It appears to me that hardly a single thing has been stated by Mr. Reynolds that is not to be collected from the Acts. It comes to this: what powers have the corporation of Dublin at present? They simply have the powers given them by the Municipal Act; the moment it is stated that they have no other, it is not necessary to go on stating they have not this power or that power. I see no necessity for proving on oath that which may be learned from Acts of Parliament.

Mr. O'Han. I want to have it established that the citizens of Dublin have had no control for the last twenty-five years over these taxes; that fact does not appear from the Acts of Parliament.

Mr. Hayward. It appears from the Acts of Parliament that these Boards are so constituted that the citizens of Dublin cannot exercise a control over them. Can it then be necessary for Mr. Reynolds to state on his oath that the powers of taxation exercised by the Commissioners of Paving or Police are exercised independently of the corporation?

Witness (examination resumed). Is not aware that the citizens of Dublin have had any opportunity of inspecting the accounts of the Paving Board, as the public have not had that opportunity; but through the courtesy of the Commissioners individuals might be permitted, as a matter of compliment, to inspect them. The Board do not publish their accounts in such a manner as to make them accessible to the ratepayers. This paper in witness's hand contains an abstract of the accounts of the Commissioners of Paving, Cleansing, and Lighting, for the year ending 5 January 1841; has not seen any other Return published since 1841.

Mr. Henderson. The last publication of accounts was in 1842; since that time the Board have discontinued the publication of their accounts.

Witness. In 1845, on the motion of a Member of Parliament, the Paving Board were directed to make a Return to Parliament; they complied with that order in part, and only in part; that Return was permitted to remain unprinted until 1846. Witness has a copy of that Return in his hands; it omitted to return the amount of salaries paid to the Commissioners and other officers, although called on to give them. On the receipt of the Parliamentary Return, witness wrote the following letter to Mr. Reilly, the Secretary of the Paving Board, dated 10 September 1846.

Sir,

Essex House, Rathmines, 10 September 1846.

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Referring to the Paving Board Returns, ordered by the House of Commons, and printed on the 8th ult., I beg to observe, that in complying with one of the returns ordered: viz., name, rank, and annual salary of each officer now employed in the Paving Board establishment of the city of Dublin, and by whom appointed, you have omitted to return the names of the Commissioners and of the eight collectors, whose united salaries and allowances amount, according to my calculation, to 2,337*l.* 19*s.* 3*d.*; therefore the gross amount of salaries, pensions, &c., paid to the various officers of the Paving Board establishment amounts to 6,661*l.* 19*s.* 1*d.*, and not to 4,303*l.* 19*s.* 3*d.*, as your returns have made it, and I will thank you to inform me of the correctness of this calculation.

One great object in seeking for those returns was to ascertain the gross amount of annual receipts and disbursements of the Paving Board establishment, in order to enable the rate-payers to calculate the expense per cent. on collection and management. You will therefore see the necessity of furnishing me with additional information on this subject; and as the Commissioners have kindly consented to do so, I will thank you to furnish me with the following returns at your earliest possible convenience; viz.

The annual amount of law and Parliamentary costs for each year during the last seven years.

Ditto - expense of stationery for same period.

Ditto - amount paid Patrick Lacy or others, under contract for horses for same period, with the average number of horses employed per day.

Ditto - amount received for manure for same period.

I have, &c.

John Reynolds.

Witness. Having called on the Commissioners of the Paving Board for this additional information, the result was that they furnished it to him; and when asked for an explanation of the omission in the Parliamentary return, they stated that they did not consider the commissioners or collectors were officers in the sense of officers required by that return. The following is the corrected Return given by the Paving Board:

No. 1.—“A Return of the Names of the Commissioners for Paving, Cleansing, and Lighting the Streets of Dublin, appointed under the hand and seal of the Lord Lieutenant, and the annual salary paid to each.”

	£.	s.	d.
Richard Smyth, esq. - - - - -	553	17	-
Colonel Sir George Morris - - - - -	461	11	-
Hickman Kearney, esq. - - - - -	461	11	-
	£.	1,475	19 -

(signed) M. J. Dillon, Treasurer.

12 September 1846.

No. 2.—“A Return of the Names of the several Collectors of the Paving and Lighting Tax, appointed by the Commissioners for Paving, and the amount of Poundage paid to each Collector within the year ended 5th January last.”

	£.	s.	d.
Caleb Palmer - - - - -	137	2	4
Thomas Hanigan - - - - -	103	1	9
Henry White - - - - -	122	-	1
Benjamin Smith - - - - -	117	3	2
John Hamilton - - - - -	132	3	9
G. M. Haaler - - - - -	128	3	1
Patrick Purcell - - - - -	132	10	6
Henry Maguire - - - - -	121	6	6

(signed) M. J. Dillon, Treasurer.

12 September 1846.

Witness. The return was moved for by Mr. Morgan John O'Connell. The Paving Board added to the Return the names of the officers on weekly pay.

Mr. Heywood. I think the error was in the motion for the Return.

Witness. The following is the answer that was furnished to witness by the commissioners of the Paving Board:

Sir,

Paving House, 12 September 1846.

Having laid before the Commissioners for Paving your letter of the 16th instant (received on yesterday), in which it is intimated that their return, furnished on the 31st July 1845,

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in pursuance of the Order of the House of Commons of the 23d of that month, of the "Name, rank, and annual salary of each officer employed in this establishment," omits the names of the Commissioners themselves and their collectors, I am directed to observe that in their interpretation of the Order, the Commissioners conceive that it is expressly limited to persons denominated "officers," acting under the orders of the Board and receiving annual salaries; and that it does not comprehend either the Commissioners, who receive annual salaries, or the collectors, who are remunerated for their services by a poundage rate on the sums received by them.

The Commissioners, however, in their desire to supply the information sought by and specified in your communication, in your capacity of a ratepayer of Dublin, have directed that I should furnish you with the returns herewith transmitted; viz.

1. The names of the Commissioners, and the annual salary paid to each.
2. The names of the collectors of the paving and lighting tax, with the amount of poundage paid to each within the year ended the 31st January last.
3. The amount of law costs paid within each year during the last seven years.
4. The expense of stationery for the like period.
5. The amount paid to Patrick Lacy, or others, under contract for horses, for the like period, with the average daily number employed.
6. The amount received for manure during the same period.

As the supply of these several supplemental returns will test the accuracy of your computation, the Commissioners consider it unnecessary to express any opinion on the result you have assumed.

John Reynolds, Esq.
Essex House, Ratbines.

I have, &c.
(signed) J. Reilly, Secretary.

Mr. Hayward. What is the use of this examination unless it is meant to show an intention on the part of the Paving Board to keep back something? When we have the secretary of the Paving Board before us, I shall require a complete history of that Board, from 1835, with the salaries and expenses of each year. Why then prove imperfectly by Mr. Reynolds what will be proved completely by the secretary of the Paving Board?

Mr. O'Hea. It is impossible for me to know beforehand what may be proved by the Paving Board.

Mr. Hayward. It is wasting time to get information in this manner.

Mr. O'Hea. The only power the corporation have of coming at information is by application to Parliament.

Mr. Hayward. At that period; but you have that imperfect Return supplied by the Return to Mr. Reynolds. If you give this as evidence to show that any information was kept back on their part, it is good evidence, but bad evidence to show their accounts. Did you apply for this information?

Witness applied to the Paving Board for information on a certain point, and they stated that witness might go to their office and inspect their books. Witness went to the office, but found their accounts so voluminous that he could not discharge his duty to the ratepayers by inspecting them; required a statement from the Board for the purpose of publication, in order to call attention to the extravagance of what witness calls the system, and it was only through Parliament witness could get that statement.

Mr. Hayward. At any rate they suffered you to go there, laid their accounts before you, and said you might look at them as much as you liked?

Mr. O'Hea. They might as well have closed their doors against us.

Witness. The proof that they were not disposed to give full information is furnished by this document, which did not give full information to Parliament, but omitted to return 2,300*l.* for salaries.

The following is a copy of the document alluded to, which was then handed in:—

A RETURN showing the Name, Rank, and Annual Salary of each Officer now employed in the PAVING BOARD ESTABLISHMENT, in the City of Dublin, and by whom Appointed; to which are added the Names of Superintendents at Weekly Pay.

NAME.	RANK.	SALARIES.		BY WHOM APPOINTED.
		ANNUAL.	WEEKLY.	
		£. s. d.	£. s. d.	
John Reilly, esq.	Secretary	276 18 -	- - -	By the Lord Lieutenant.
M. J. Dillon, esq.	Treasurer	200 - -	- - -	
William Twiss, esq.	Superintendent of works	200 4 -	- - -	
William O'Hara, esq.	ditto	200 4 -	- - -	By the Commissioners for Paving.
Richard Clarke	Clerk in secretary's office	100 - -	- - -	
Richard Landry	ditto	100 - -	- - -	
Heose M'Millan	ditto	100 - -	- - -	
Mathew Langtry	ditto	70 - -	- - -	

NAME.	RANK.	SALARIES.		BY WHOM APPOINTED.
		ANNUAL.	WEEKLY.	
William Pigott	Clerk in treasurer's office	£. s. d.	£. s. d.	By the Commissioners for Paving.
Henry Dorle	- ditto -	100 - -	- - -	
David F. Tinscher	- ditto -	90 - -	- - -	
Francis Salmon	Inspector of taxes	85 - -	- - -	
John Gratton	Clerk in tax office	150 - -	- - -	
Edward Mitchell	Book-keeper	62 - -	- - -	
Daniel Smyth	- - Clerk in book-keeper's office.	130 - -	- - -	
George Wright	Inspector of lamps	70 - -	- - -	
Denis Kinnella	Storekeeper	70 - -	- - -	
John Giddes	Superintendent of horses	78 18 4	- - -	
Christopher Flynn	- - Assistant to supervisor of works.	60 - -	- - -	
L. R. Mooney	- ditto -	100 - -	- - -	
James McClelland	- ditto -	54 12 -	- - -	
J. W. Birch	Overseer of depôt	- - -	1 5 -	
James Fleming	Overseer of sewers	- - -	1 - -	
John Dowd	Overseer of depôt	- - -	1 5 -	
James Doherty	- ditto -	- - -	1 - -	
James Ballard	- ditto -	- - -	1 - -	
Thomas Kelly	- ditto -	- - -	1 - -	
Charles McDonnell	- ditto -	- - -	1 - -	
Walter Marks	- - Overseer of scavenging parties.	- - -	1 - -	
Peter Dunn	- ditto -	- - -	1 - -	
R. M. White	- ditto -	- - -	1 - -	
John Norris	- ditto -	- - -	1 - -	
John McDermott	- ditto -	- - -	1 - -	
William Dringoe	- ditto -	- - -	1 - -	

Treasurer's Office,
31 July 1843.

(signed) M. J. Dillon,
Treasurer.

Mr. Hayward. Could you call a varying per-centage an annual salary? You want to show that the Board were anxious to keep back information, and you put in this Return as proof of that fact. If I were required to make that Return, I am not quite sure that I should not have made it as they have done.

Mr. O'Hea (to Witness). This account was published by the Paving Board in 1841!—(Produces Account.)

Witness. It is the latest published that I have seen; it is stated by the secretary that there is one published a year later.

Mr. O'Hea. Tell me the sum total of the taxes imposed on the citizens of Dublin, as stated in that account.

Witness. Their total receipt, from all sources, is 45,089*l.* 10*s.*

Mr. Hayward. The secretary of the Paving Board will give on his oath information as to the whole account.

Mr. O'Hea. I apprehend that under the Act of Parliament the evidence on which the Commissioners shall form their opinion must be taken down; it appears to me that an inquiry without the evidence being taken down would not be satisfactory.

Mr. Hayward. Mr. Reynolds is not the person to prove a fact of this kind. Here is a certain sum charged for collection, and you want to examine Mr. Reynolds as to that.

Mr. O'Hea. I want to show what is the sum charged.

Mr. Hayward. It is shown on the paper.

Mr. O'Hea. The matter of this discussion may go before the House of Commons, and the Members of the Committee will see this fact, that the charge for salaries, &c., on the citizens of Dublin is about 20 per cent. on the collection.

Mr. Hayward. I am not sitting here to enable you to get matter that it may be convenient for you to bring before the House of Commons. I do not want Mr. Reynolds to tell me what is in that paper, or to prove matters of inference and argument.

Witness (Examination resumed). Nothing could be worse than the state of the scavenging in the city, and the general discharge of the duties intrusted to the Paving Board. As to the scavenging, it is exceedingly bad; there is the grossest possible neglect with respect to it. Is aware of complaints having been made in respect of the scavenging, not only from verbal communications from people of all classes, but from public letters signed by citizens and rate-payers in the morning papers, complaining of the filthy state of the streets and pavement. These complaints have been continuous for the last 15 years, and are increasing up to the present time. Is aware of the fact that the soil and filth of houses have been thrown into the streets at night, and permitted to remain there for several weeks. Has frequently seen deposits

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of mud at the sides of the street, left there for several weeks. Has had an opportunity of witnessing the state of the scavenging in the line of road leading from Dame-street to Portobello Bridge, through George's-street, Augier-street, and Wicklow-street. Witness is in the habit of passing every day in the week along that line. Took particular care to note the neglect of that district during the months of November and December last; that district was scarcely passable, from the quantity of mud that was permitted to remain there, and that observation holds good as to many of the leading thoroughfares of the city.

With regard to the flagging of the streets, witness has observed a deficiency, but not to such an extent as to become a nuisance; the paving appears to him to be very grossly neglected. Witness would merely state further that he feels, with the majority of the citizens, that among the public Boards that have neglected their duty, the Paving Board stands pre-eminent; that is witness's opinion.

Cross-examined by Mr. Henderson.

Did say, with respect to the accounts of the Paving Board, that the public had no right of access to them; never knew of an application being made to see the accounts by any one except by himself; that application was partially complied with; is aware that within the period of 15 years mentioned by witness, a change has been made from paving to macadamizing; believes that the road collects more from macadamized streets than from paved streets, and that the former requires more constant sweeping. In the months of November and December mentioned by witness, there was a frost of unusual severity; witness looked on the setting in of the frost as a great relief, because it froze up the mud, and the people were enabled to pass over it. Thaw after frost of course seriously affects macadamized streets; the frost in this instance was quite a god-send; a portion of that district is in the manner of St. Sepulchre's, and not within the jurisdiction of the Paving Board. Witness sees by the report for the year 1841 that the amount charged for scavenging is about 6,000 *l.*, and the receipt for the soil sold is 1,044 *l.* 9 *s.* 3 *d.*

Mr. Henderson. Are you aware that the footway cleansing is not within the duties of the Paving Board?

Witness. I am aware that the Commissioners of Police have some authority over the footways. Witness did not make any communication to the Paving Board on the subject of their neglecting the streets, their attention being called to it day by day through "Saunders's News Letter;" scarcely a day passed without a letter appearing in that newspaper, complaining of their neglect; witness has said with respect to the flagging that it was not deficient to the same extent as the scavenging; is not aware of any application by the inhabitants of Dublin for the purpose of repairing the streets, having been neglected by the Commissioners; has no idea of the expense necessary for the purpose of paving the streets of Dublin generally; witness's only information is, that a certain sum is assessed for the purpose; that that sum is limited by the Act of Parliament, and that the Paving Board go to the maximum, which is 14 *d.* in the pound on the poor-law valuation; does not know, but has no doubt that that Act was passed in the year 1807; believes that the number of streets and roads within the jurisdiction of the Paving Board was considerably increased since the year 1807. Is not prepared to admit that the necessary expenditure for keeping the streets and roads in repair has been also increased, because the rapid decay of the humbler parts of the city is, in witness's judgment, more than counterbalanced by the increase of streets in other parts; while one part of the city, is increasing the other part is decaying; it is necessary that the streets in the decayed part of the city should be kept up, but witness believes that they are not kept up but grossly neglected; that is one of witness's complaints, that they are not kept up; and that while the aristocratic parts of the city are occupationally well attended to, those inhabited by the humbler classes are most grossly neglected.

Witness is one of the promoters of the Bill, and he believes that, with the exception of 10 persons, the remaining 50 members of the council are favourable to the Bill, and these 10 persons object to it on the grounds that the wards are not properly divided with reference to the wealth and rateable property of the city; but as regards the principle of the Bill, the council appear to be unanimous: with the exception of these 10 members of the council, the great majority have expressed their opinion in favour of the Bill, and these 10 appear to agree on the propriety of transferring the powers sought by the Bill to the corporation, provided the mode of electing the council were altered.

Mr. Hayward observed, that the 10 members of the council had other grounds of objection, and read here the following passage from a printed statement which had been presented to him (see Appendix, No. 10), and which was signed by those 10 members, with respect to which he wished some explanation: "Every man in the city of Dublin who is not prepared to support a repeal of the Legislative Union, is excluded from all share of any office in the power of the corporation to bestow; and the effect of this, in the present constitution of the parties in the corporation, is practically to cause the exclusion of Protestants."

Witness. I am prepared to say on my oath that statement is untrue.

Mr. Hayward. And again: "While the corporation is constituted as it now is, no person who is not pledged to repeal (no matter what may be his merits or his qualifications) has the slightest chance of any office or employment in their disposal, and no one will pretend that the new trusts which they seek will be administered on a different principle from that on which they administer those they now have." That is a very important charge, because, if true, there would be very little chance of merit or efficiency being made the qualification in persons seeking situations under the corporation.

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Witness. This corporation was established in the year 1842, and the first lord mayor elected by it was Mr. O'Connell; the second was Mr. George Roe, a Protestant gentleman opposed to a repeal of the Union; and the number of officers, according to witness's recollection, of the Protestant persuasion who derive salaries under the new corporation is 24, and the number of Protestant parishioners is 26, making about 50 Protestants in the pay of the corporation. The officer who is at the head of the pipe-water department is Sir Drury Jones Dickenson, a Protestant opposed to the repeal of the Union; he was appointed by the old corporation, but being in office less than five years, this corporation might have dismissed him any day without compensation. Witness believes that every one of these 24 Protestants deriving salaries from the corporation are opposed to repeal; some of them might have been turned out without remuneration, and some of them would have been entitled to it. The number of officers that are Roman-catholics in the employment of the corporation is about 18.

Mr. Henderson. How many of these Protestants were in office under the old corporation?

Witness. I believe that of these Protestants (these actively engaged in the discharge of their duties) the number employed by the old corporation was 22; and that the Protestants employed by the present corporation are two additional. A man of the name of Richardson, a Protestant opposed to repeal, died, and his office being vacant, the corporation bestowed it on his widow, there being applications at the time for the office from candidates who were in favour of a repeal of the Union.

Mr. Henderson. Has there been an instance of any vacancy occurring in the corporation to which a repealer has not been appointed?

Witness. Yes, Stephen Fox Dickson, a collector, is one. I am not prepared to state that in every other instance repealers have been appointed; the corporation appointed Mr. Long, an anti-repealer, to the situation of auditor to the corporation. They appointed Mr. Hayes their assessor, a gentleman opposed to repeal. The corporation has not had many appointments, probably about 22 or 23.

Mr. Hayward. The question is, how have you exercised your patronage, whether fairly or not?

Witness. The total amount of salaries and pensions paid by the corporation to Protestant officers is about £3000 a year.

Mr. Hayward. That may happen. You come into office finding a certain number of officers employed in the corporation; a number of them are superannuated, and you go on paying them; that has no reference to the distribution of your patronage. I must see whether this serious accusation is well founded or not, and whether in that distribution you have looked to the qualifications for office of the persons you appointed, or whether you looked peculiarly to a class of persons professing particular political opinions. The quantity you pay does not answer that question, because you may be paying salaries to superannuated officers, or officers you can't remove. What I want to know is, whether, in reference to your appointments in 1842, these were made without reference to political opinions. You say you remember one person having been appointed by the corporation who was not a repealer; do you remember any more? It is stated here in this document laid before me, in very strong language, "That while the corporation is constituted as it now is, no person who is not pledged to repeal (no matter what may be his merits or his qualifications) has the slightest chance of any office or employment in their disposal."

Witness. I can state here on my oath, that I am not aware of my own knowledge that the question of repeal comes into consideration in the selection of the paid officers of the corporation; but I am free to admit, that as there is an almost universal opinion in favour of repeal among the classes of persons who seek these offices, the great majority of the persons seeking them do profess repeal opinions; but this I state, that on the elevation of the late counsel for the corporation to the bench as Chief Baron of the Court of Exchequer, there were some candidates for the vacant office, and among them Mr. O'Hea; and some of the most determined friends of repeal complained to me of our supporting Mr. O'Hea, and that we ought to have supported Mr. Monahan or Mr. Hatchell, who were anti-repealers. I asked them how they could reconcile that with their own principles, and the answer given by several repeal members of the corporation was, that we ought not to take repeal opinions into consideration in the selection of counsel. We did select Mr. O'Hea for his eminence in his profession, who, although a Protestant, professes repeal opinions.

Mr. Hayward. You say you made 23 appointments; what is the nature of them?

Witness. The Freeman's Journal of the 27th January 1847, contains a list of them. (See List set out, page 16, *infra*.)

Mr. Hayward. I think this statement laid before me is one which ought not to be made unless the parties are prepared to prove it, for it goes to the very root of your fitness to hold power. I think it necessary for you to show whether the consideration of fitness has been excluded in your appointments.

Mr. O'Hea. Are you aware of any unfit man having been appointed?

Witness. I have not heard any complaint against any man selected by us; but I have heard some praised. There are two exceptions; one with regard to a collector of rates, with regard to the repeal of the Union, although the prevailing politics of the city. If men who were either opposed or favourable to it offered themselves to some constituencies, they have been selected as representatives without reference to that question.

Mr. Hayward. No one expects that there should not be some little leaning in favour of a man's own party; the whole question is, whether you have carried it to that extent so as to

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have excluded the consideration of fitness, and whether unfit persons were appointed by you.

Witness. The fact I am about to call your attention to bears upon this question. I myself, a Roman-catholic, and an advocate for the repeal of the Union, was the representative of Merion Ward, one of the most Protestant of the wards, and I was elected unanimously.

Mr. Hayward. I had rather not go too minutely into that matter, only in relation as to whether the consideration of fitness has been disregarded as to your officers.

Mr. Wharton (a member of the town council) here addressed the Commissioners, and said, "I think it right to state, as one of the parties who signed the printed document that has been presented to you, that Alderman Butt states he shall attend here any day you please, and that he will be able to support the statement contained in that document."

Mr. Henderson. Is it true in point of fact, that out of 22 or 23 appointments, you only remember one man appointed who was not a repealer?

Witness. Well, sir, I meet that assertion thus: that in all the addresses made in this corporation by parties seeking appointments, the question of repeal, to my recollection, as a qualification for office, has not been mentioned in those addresses, nor in the speeches made in council, when discussing their qualifications. The profession of repeal opinions is never mentioned as a qualification in the council.

Mr. Wharton. Last week Alderman O'Connell stated that he was quite sure a certain person would be elected Lord Mayor next year if he became a repealer.

Mr. Hayward. That may be with regard to so important an office as Lord Mayor, whose election may depend on his political opinions. I do not think the argument holds good until you get down among the inferior officers, and show that they have carried the principle down to them.

Witness. There is no rule in this corporation, as a corporation, to exclude any man on account of his politics. The charge is, except a man professed repeal opinions, he had no chance of being employed.

Mr. Wharton. And Mr. Butt says he will prove it.

Witness. We are not likely to adopt such a course as is alleged against us in that paper, because there was an universal complaint against Lord Ebrington, when Lord Lieutenant, because he declared that no man professing repeal opinions should get any situation from the Government, and he did exclude all who professed those opinions from situations, and in every situation of emolument or honour it was a recommendation to parties to be opposed to repeal.

Mr. Ford stated that he was elected town clerk by the corporation, though opposed by Mr. Hart, a member of the Repeal Association, and the first thing he did after his appointment was to appoint as clerk a person who was not allied to him in blood, nor a repealer, and was not of his religion.

Mr. Wharton. I believe there have been pipe-water collectors who most effectually discharged their duties, dismissed merely because they were not repealers. I state this on my own knowledge.

Mr. Ford. I think there were four collectors removed; one, an old man who died in a year or two after; there was another, a Mr. Fitzgerald, who was superannuated; there was a Mr. McCready, who was not entitled to compensation, and who was a violent man in politics; he was removed, I believe, because he did not receive the rates from the liberal side, in order to disfranchise them; the fourth was a man named Flanagan, and he had a desire to retire, inasmuch as he was entitled to remuneration.

Witness here produced a copy of the "Freeman's Journal" of Wednesday the 27th of January 1847, and referred to the following list extracted from it, of the various paid officers and pensioners of the corporation of Dublin, showing the name, office, salary, and religion of each respectively:—

Sir D. J. Dickinson, supervisor, 250*l.* salary, Protestant; Hugh Crofton, storekeeper, 117*l.*, Protestant; W. P. Crofton, overseer of works, 133*l.*, Protestant; Richard Laurence, inspector of turncocks, 65*l.*, Protestant; James Wilkinson, turncock, 52*l.*, Protestant; John Curwell, turncock, 52*l.*, Protestant; George Wilsford, turncock, 52*l.*, Protestant; John Vasser, turncock, 52*l.*, Protestant; Robert Hutton, turncock, 52*l.*, Protestant; Joseph Leske, turncock, 26*l.*, Protestant; William Morgan, basin-keeper, 52*l.*, Protestant; Robert Richardson, basin-keeper, 52*l.*, Protestant; S. F. Dickson, collector, 100*l.*, Protestant; W. B. Palgrave, collector of slippage and anchorage fees, 185*l.*, Protestant; — Smith, keeper of Newgate, 700*l.*, Protestant; — Carpenter, keeper of City Marshalsea, 29*l.* 10*s.*, Protestant; Arthur Neville, city surveyor, 50*l.*, Protestant; Edward Hayes, assessor, 75*l.*, Protestant; Joseph Leeg, borough auditor, 75*l.*, Protestant; William Trail, bundle, 13*l.*, Protestant; Alexander Faulkner, bundle, 11*l.*, Protestant; William Mowett, keeper of books and pens, 21*l.*, Protestant.

Corporate Pensioners.—Robert Sutter, inspector of pipe-water rents, 123*l.*, Protestant; James Payne, inspector of turncocks, 107*l.*, Protestant; James Fitzgerald, collector, 30*l.*, Protestant; James Leshy, clerk, 69*l.*, Protestant; H. Flanagan, collector, 97*l.*, Protestant; J. Semple, engineer, 153*l.*, Protestant; the Misses Quinton, late housekeepers, 21*l.*, Protestant; Miss Lucas, 50*l.*, Protestant; Sir J. K. James, late treasurer, 338*l.*, Protestant; J. Z. Butler, late marshal, 444*l.*, Protestant; George Faulkner, late printer, 50*l.*, Protestant; David McCleary, late officer of commons, 150*l.*, Protestant; Timothy Allen, late clerk of commons, 63*l.*, Protestant; William Crawford, late clerk of Rotation Institution, 105*l.*, Protestant; J. Little, bailiff to ditto, 34*l.*, Protestant; Sir R. Baker, J. C. Hyndman, and Thomas Carolan, three junior aldermen, 200*l.* voted to each (interest payable at 4 per cent.), 200*l.*, Protestants; George Archer, town clerk, 350*l.*, Protestant; Wm. White, late law agent,

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175*l.*, Protestant; Rogerson and Blacker, late water bailiffs, 202*l.*, Protestants; Rev. J. D. Long, curate of Drumcondra, 60*l.*, Protestant; Right Hon. F. Shaw, recorder, 300*l.*, Protestant.—Total salaries and pensions, 53,671*l.*

Dennis Costigan, treasurer, 330*l.*, Catholic; William Ford, town clerk, 500*l.*, Catholic; Thomas Reynolds, city marshal, 250*l.*, Catholic; Thomas Atkins, sword-bearer, 150*l.*, Catholic; Thomas Sinnott, high constable, 100*l.*, Catholic; James Carren, mace-bearer, 100*l.*, Catholic; James C. Egan, B. auditor, say 75*l.*, Catholic; Francis Crump, S. W. rent collector, 100*l.*, Catholic; James Dwyer, S. W. rent collector, 100*l.*, Catholic; Anthony Parsley, S. W. rent collector, 100*l.*, Catholic; John Barrett, S. W. rent collector, 100*l.*, Catholic; Patrick Byrne, S. W. rent collector, 100*l.*, Catholic; James Dennon, basin-keeper, 20*l.*, Catholic; Patrick Panning, turncock, 35*l.*, Catholic; David Simpson, turncock, 41*l.*, Catholic; John Fanning, turncock, 41*l.*, Catholic; two water bailiffs, 300*l.*, Catholics.—Total, 2,435*l.*

Witness. This list contains the names of the 24 officers; they are, I believe, all opposed to a repeal of the Union. Some of them were parties who had been employed by the old corporation, but who might have been dismissed by this corporation without any remuneration. Now these are the 24 officers at present doing duty under the corporation, and they are, I believe, to a man anti-repealers; and then follows a list of 26 pensioners, some of whom were superseded by the Act itself, their offices being abolished; and except in two instances, the successors to these pensioners only received the residue of the salaries left after payment of the pensions, and the corporation were not put to any additional charge. Believe that out of the 10 Roman-catholic officers appointed by this corporation, there are at least six who were not enrolled repealers. There is another fact connected with the selection of these officers, namely, that in almost every case, according to witness's recollection, none but Roman-catholics, and probably the majority of them repealers, offered at all as candidates for the office of water-bailiff; there were about 16 candidates, and not to witness's knowledge a Protestant among them, nor an anti-repealer. The emoluments of water-bailiff amount to about 70*l.* per annum. The man lately appointed agreed to accept the office, giving the widow of his predecessor 40*l.* per annum. Of the 16 candidates, believes there was not a Protestant among them. Mr. Wharton informs witness of one Protestant, and he got a large number of supporters. The fact of a candidate being a repealer, but not otherwise qualified, would not have one particle of weight with witness in giving his vote for his appointment to any office.

Mr. Hayward. Have you observed that political opinions have swayed the majority of the council?

Witness. I am not aware that they have in any instance that I am acquainted with; I will not say that there have not been instances. I never heard any man advocating the claims of men solely on these principles. I believe the feeling among the Roman-catholic members of the council would be to give the preference to a Protestant coinciding in political opinions with them. I can most distinctly swear that I never heard political opinion put forward in public or in private as an exclusive qualification for office; still I do not mean to say that it may not bias some men, but only that I have not heard it advocated as a qualification for office.

Mr. Hayward. I do not think I can carry this subject further; if those gentlemen have evidence to support their statement, they ought to come forward and support it; that is, if any weight is to be given to it.

Mr. Wharton mentioned that Sir John Kingston James had been removed from the office of treasurer by the new corporation.

Witness. With regard to that, one of the charges against him was, that Sir John Kingston James could give information, as treasurer, regarding the issuing of debentures, which he declined to give.

Mr. Wharton also mentioned that Mr. Butler had been removed from the office of city marshal by the present corporation.

Mr. Ford. Mr. Butler was examined before the House of Commons, and he insisted that his situation was a sinecure.

Mr. Hayward. Was he changed on account of his political opinions?

Mr. Ford. He was decidedly a political partisan; but I believe he was changed in order to make his situation effective; in his hands it could not be effective.

Mr. Hayward (to Mr. Reynolds, who had said he could not be present after a certain day). I think, if Mr. Butt wishes to establish his case, he ought to do so while you are here.

Mr. Henderson. Mr. Butt could not appear here until after the last day of term.

In the absence of Mr. O'Hea, Mr. Ford here proceeded to examine Mr. Reynolds in reference to the Wide Street Commissioners, and commenced with questioning him as to the constitution and powers of the Wide Street Board. Mr. Hayward stopped this line of examination, on the ground that it was useless to waste time in proving what could be learned from Acts of Parliament; and after some discussion, the examination of Mr. Reynolds was proceeded with as follows:—

Witness. The officers employed by the Wide Street Board are few in number. The Commissioners are about 20 in number, and unpaid. There is a solicitor and a secretary, who is also their engineer; believes his emoluments amount to between 500*l.* and 600*l.* a year. The amount at present of the wide street tax is about 7,000*l.* a year. With respect to the grand jury, witness holds in his hand an abstract of the presentments passed by the quarter

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sessions grand jury at Easter and Midsummer 1844, and by the grand jury at Michaelmas 1845; and witness finds the aggregate of both assessments is 31,062*l.* Believes they published their accounts every half-year. This grand jury consists of 23 persons, selected by the high sheriff of the city; they have an unlimited power of taxation, and the cesspayers have no control whatever over them.

Mr. Haywood asked what instances he could give of irregularity on the part of the grand jury.

Witness. The appropriation of large and exorbitant salaries to officers; I find they pay a treasurer 300*l.* a year. The collectors lodge the money they receive in the Bank of Ireland, and the only trouble the treasurer has is to sign checks, and give an account of them. Formerly the treasurers had the custody of this money, and they abused it in several instances. The treasurer is the officer of the grand jury appointed by the magistrates of the borough; in many instances, some of the men who serve on the presenting grand juries exercise the power of taxation in the Wide Street Board, and are members of the Ballast Board, and members of the council of the Chamber of Commerce.

Mr. Haywood. That amounts simply to this, that they happen to be of the higher class.

Witness. I believe people of the higher class are, in many instances, excluded on political grounds. In most instances the grand jury are selected from political feelings by partisan sheriffs; the sheriff of Dublin is chosen by the Crown. Since the year 1841, on the accession of Sir Robert Peel, until the accession of Lord John Russell, all the sheriffs selected have been of conservative politics, and the juries they selected were, in most instances, of the same politics. Never knew any one of these juries elect to an office a man of liberal principles or of a different religion from themselves; and knows that the present collectors of grand jury cess (eight in number) are Protestants of conservative politics. A Roman-catholic, named Orrine, in every manner qualified, and originally recommended by Mr. Darley, was rejected as a collector of grand jury cess, and a Protestant of conservative politics selected in preference.

Mr. Haywood. Was the Protestant an unfit man?

Witness. Yes. I believe a man named Conway was selected about the same time, a Protestant, of conservative politics, who was ultimately dismissed; heard he was dismissed in consequence of irregularities in his accounts; does not exactly know how long after his appointment he was dismissed; probably it was a year; he was brought to trial, and he was punished, and the arrears of grand jury cess were re-appointed on the solvent inhabitants. The wide street collectors are the same as the grand jury collectors. The grand jury powers are unlimited in regard to raising money; a portion of what they vote is imperative on them.

Mr. Haywood. In this very report before me, it is set out that for certain sums the grand jury must present, and for others they may not.

Witness. According to the principle of this Bill, believes there would be a very large percentage saved in the collection of the taxes. There are two rating clauses in the proposed Bill. On all houses from 1*l.* to 20*l.*, amounting to about 13,219 in number, a maximum rate of 1*s.* 6*d.* in the pound—

Mr. Haywood. I know all this from the Bill.

Witness. We propose, if the Legislature transfer the duties of those Boards to the town council, to discharge them gratuitously; it is alleged that we propose to have paid Commissioners; there are no provisions in the Bill to warrant any such assumption.

Mr. Haywood. That appears by the Bill itself. The question is, whether you are to have these very large general powers granted to you in the full confidence that you will use them properly.

Mr. Ford. We want to show that there will be a great saving in respect of those Boards by a consolidation of the taxes.

Mr. Haywood. I don't want Mr. Reynolds to prove what is in an Act of Parliament, still less that, if the Bill passes, a future corporation will do certain things.

Witness. Bearing in mind the object of the promoters of this Bill, namely, a consolidation of taxes, and the abolition of paid Boards, a much smaller sum will be enough to meet these demands. My calculation is, that a sum of 70,000*l.* will be enough, which will show a saving of about 32,000*l.* The deduction would arise thus; the salaries, &c. of these public boards absorb about 23*l.* per cent. of the entire rate. We calculate that five per cent. under the new system will be quite enough to pay the whole of these expenses (see the 102d clause of the proposed Bill). By the Bill before you, the council is bound to provide a central office for the payment of the taxes; the present number of local collectors of taxes in Dublin is 69; and the taxes being consolidated into one rate, we calculate that six collectors will be quite sufficient for all purposes. We believe that, with the indolence of an allowance of five per cent. on payments made in the office, we could discharge the duties of collections by six collectors, which would be a saving of the salaries of 63 collectors, there being now 69. My experience, as a guardian of the poor of this union, enables me to state that several frauds were committed in order to induce the guardians to lower the valuation of the houses taxed, that they might come within a certain rate of taxation. The difficulties of valuation left us open to great fraud; we shall be less liable to be imposed on by the measures proposed, and we have the experience of the Belfast Act, which shows that this system of consolidation works well in that borough. The annual valuation of 13,400 houses of a small class, in round numbers, amounts to 140,000*l.* a year; and a rate of 1*s.* 6*d.* in the pound on that valuation would come to about 11,000*l.* a year. The citizens pay, under

the present arrangement, about 3s. in the pound to meet the taxes, and therefore there appears to be a saving of 11,000*l.* per annum on that class of small houses.

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Witness. (To Mr. Nelson.) The only tax the citizens of Dublin are liable to now, according to witness's recollection, which they were not liable to before the present corporation was formed, is the borough rate; the corporation put on two borough rates at 2*½*d. and 3*½*d. each. Witness cannot answer the question, whether the citizens of Dublin generally considered that the corporation were justified or not in putting on that tax, because there was no public indication disapproving of it, in the shape of public meetings. The borough rate is a uniform poundage rate, under the Act of Parliament; the gross sum it produces, at 3*½*d. in the pound, is about 8,000*l.* a year. Is aware that there was some dissatisfaction expressed at the imposition of this rate, but it was not publicly expressed by meetings. Witness believes that by pursuing a system of rigid economy that tax might have been avoided. Witness, on the discussion as to the propriety of imposing that borough rate, expressed his opinion, as a member of the town council, that the lord mayor's salary might be reduced from 2,000*l.* to 1,000*l.* a year, and that before witness would be a party to the imposition of that tax, he would sell the old pictures in the Mansion House. Witness's opinion was outweighed by a very large majority of the council, and after two discussions, occupying about ten days, a majority of about 34 to 12 decided in the affirmative, and the rate was put on. Witness is not aware of his own knowledge of the fact that there were any officers who had been officers under the old corporation dismissed from their situations, although willing and competent to continue discharging their duties; but he is aware of one instance of an officer who had been treasurer under the old corporation, namely, Sir John Kingston James, being dismissed, for the reasons already mentioned. Witness was not a member of the corporation at the time, and does not know of his own knowledge of any competent officer having been dismissed for the purpose of making a place for others. Is aware of a considerable sum being paid out of the corporation funds to the pensioners already mentioned. The salary of the present lord mayor is 2,000*l.* a year; the salary and emoluments of the former lord mayors amounted to about 4,000*l.* a year. Witness believes that there is a clause in the Rates' Act that will prevent any great increase in the pipe-water tax. Is not prepared to state that the income of the present corporation is much larger than it was some years ago; his belief is, that there has been some increase arising from the pipe-water tax, and city rents, but a portion of that increase has been expended in laying pipes in these poor neglected streets of the city that required them. An application was made to witness by a gentleman complaining that pipes were not laid down in his street; witness applied to the pipe-water committee, and within a fortnight they complied with his request, and laid the pipes. Witness has heard that the pipe-water committee have given the benefit of pipes to a large portion of the city, which up to the time of their appointment had no pipe water; namely, to that portion of the city which comprises Arne-street, North Circular Road, Wood-street, and other streets. Witness complained in council that the pipe-water committee expended more money than they ought to do consistently with their income. Alderman Gavin, a member of the pipe-water committee, is the inventor of a fire-plug, which he gave gratuitously to the pipe-water department; the council voted him in return the sum of 300*l.*, but he did not think proper to accept the vote; no man deserves more the thanks of the citizens than he does, for his attention to that department. Witness is not aware of the number of fire-plugs that have been put down, but he knows that the citizens of all sects and parties declared to him that, since this present corporation got power over the pipe-water department, the accommodation and supply have been vastly improved. The Act contemplates at least two new rates, one called a general rate, embracing houses from 1*l.* to 20*l.*, of 1*s.* 6*d.* in the pound, and from 20*l.* to 80*l.* of 3*s.* in the pound; and exceeding 80*l.*, of 4*s.* 6*d.* in the pound. The other, a sewerage rate, which is to be a uniform rate of 1*s.*, and not on a graduated scale. Witness thinks a tax assessed on houses valued at above 50*l.* and below 80*l.* would be more certain of being paid than if assessed on houses below 20*l.*; and thinks it a natural result that the more the corporation put on those good houses, the more income they would get.

Mr. Hayward. Do you consider, as has been stated here, that the local taxes of Dublin at present amount to 200,000*l.* a year in round numbers?

Witness. I have calculated them at about 200,000*l.* a year; the maximum that can be raised by the proposed rates will be about 100,000*l.*, irrespective of the sewerage rate, which we will prove to you is not to be a permanent rate.

Mr. Hayward. Would you undertake to say that you could with 100,000*l.* do everything that is now done with 200,000*l.*?

Witness. No, sir; the poor-rate is to be deducted from the 200,000*l.*; it amounts to about 35,000*l.* a year; there is also the pipe-water to be deducted; it amounts to 14,000*l.*; there is also to be deducted ministers' money, which we have computed at 10,000*l.* a year; there is also the parish cess, which is a tax put on at the vestries at the Easter meetings in order to defray parochial expenses, and it is about 8,000*l.* a year; there is the borough rate, which is not a permanent rate, and which was put on twice, and the amount of it was about 8,000*l.* a year, at 3*½*d. in the pound; there are various taxes of a small nature, such as the Poddle River tax, the Stephen's-green tax, which put together amount to about 6,000*l.* a year: all these taxes are included in the 200,000*l.*, and not in the 100,000*l.*

Mr. Hayward. That is 83,000*l.* to be deducted from 200,000*l.*?

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Witness. Yes; but we have underrated the other taxes included in the 200,000*l.*; all the taxes mentioned the other day are included in it. The paving, lighting, &c. tax is underrated at 40,000*l.* a year.

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Mr. Reynolds here produced the abstract of accounts printed by the Paving Board in 1841, and referred the Commissioners to various items in it; it appeared by this abstract of account that the total income of the paving tax was 45,000*l.*

Mr. Nelson. Is it not a fact that one half of the grand jury cess is levied for the purpose of repaying Government advances for erecting new prisons and supporting prisoners?

Witness. I am not aware of the amount of the compulsory presentments; I stated that a great part of them were compulsory.

Mr. Nelson was proceeding to ask the Witness a question in reference to the amount of grand jury cess.

Mr. Hayward. I do not think that is a subject for your examination of the Witness. It is a subject for comment. We do not want any one to come and say, "Given such and such figures, such and such is the result." All this we, of course, shall look into ourselves.

Witness proposes to effect a saving by allowing a discount of 5*l.* per cent. to persons paying their taxes at the office; believes the gross charge for the expense of salaries, &c. is 22 per cent.; the corporation would have one treasurer, who should be treasurer of the whole fund; his belief is that he could get as much duty performed by five officers now conducting banks as is discharged by the entire of those Boards in the city of Dublin; believes that the majority of the inhabitants would avail themselves of the per-centage to be allowed for paying their taxes in the office. Gentlemen of large estates pay a bulk sum to their agents for getting in their rents, and rents are not only collected, but collected with a vengeance; believes if they had the power of consolidating the taxes, it would be possible to get a man who would undertake the entire collection as an agent; the trial had not been made here; the object in Dublin appeared to be the multiplication of places. Collectors have been paid for not discharging their duty, in not calling for the taxes on the approach of elections, and *Witness* would produce evidence to show that the grand jury collectors not only omitted to collect money from solvent rate-payers, but swore that parties were not solvent who were. In complaining of the grand jury, *witness* did not intend to convey anything like a reflection on their respectability; it was the system on which they acted that he complained of. Mr. Reynolds then read from an abstract of grand jury presentments, for Midsummer Sessions 1845, several presentments that were made to Danagh Osborne, esq., and observed that this very man himself voted that very money, and that this was part of the beautiful grand jury system.

Mr. Stanley (solicitor to the grand jury) stated that these presentments were made to the parties named by the grand jury, in order that they should see that the work was properly done, and that they did not themselves receive 1*s.* of the money presented in their name.

Mr. Reynolds. Permit me to state publicly that, having found fault with the Paving department, as well as the Wide-street and other Boards, I do not intend any censure on the gentlemen who administer the affairs of these Boards, because I know them to be respectable; but what I complain of is the system.

Mr. Patrick M'Oslen, sworn; and Examined.

Witness. Lives in Capel-street, four or five doors from Mary's-lane; there is no sewer in Mary's-lane; the inhabitants of Mary's-lane throw out their soil and water at night into the street; the consequence is, they have made Mary's-lane a common sewer, and in summer the stench from the street is the greatest that can possibly be imagined; the inhabitants are allowed to throw out the water at 11 o'clock at night into the street, and it remains there until the following morning. It happens that *witness* has a cesspool to his own house, but the same cannot be sent of a single house in Capel-street but his own; there is a house next door to his own, and the people of it are obliged to throw out the water at night into the street; Capel-street is one of the principal streets in the city of Dublin. *Witness* is connected with the Dublin Library, and he signed a requisition to the Paving Board for the purpose of getting a footpath placed directly opposite the Dublin Library; every inhabitant of the street, excepting one, also signed for the same purpose, and they never could get the Paving Board to make the footpath for them; it was the duty of the Paving Board to put it down. D'Olier-street is the leading street from Carlisle Bridge and Sackville-street to the Kingstown Railway, and is in the neighbourhood of Trinity College; several of the students frequent it.

Cross-examined by Mr. Henderson.

Is aware that there is a crossing at Carlisle Bridge; does not know how many yards that is from the Dublin Library; does not know exactly how many houses are between it and the Library; there are not more than three or four houses between them; Messrs. Kinsman's house is a very large one, and there is a crossing at Kinsman's; on the side next the College there is a crossing at the end of the street; the Library is situated about half-way in the street.

Mr. Hayward. You cannot say the Board neglected their duty in this matter; they must exercise a discretion.

Witness. Mary's-lane is inhabited by rather an humble class of persons; the houses in it are ordinarily set in rooms.

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Mr. O'Hea informed the Commissioners of the nature of the further evidence he, as counsel on behalf of the promoters of the Bill, intended to offer to them; he said he intended to bring before them evidence of some transactions regarding the grand jury collectors, to show that the returns made by them on oath afforded no check whatever over them; he intended calling a witness to show that certain streets ought to be made in particular places; that the Wide Street Board had no compulsory power to make them, and that they ought to have such power; and he intended to call a witness or two to show the general nature of the markets; and he said the promoters of the Bill thought that the substance of their case must come before a Parliamentary Committee, and that they did not see how it could come within the scope of the Commissioners' inquiry.

Mr. Hayward. All local circumstances may be brought before us.

Mr. O'Hea. We do not propose to lay before you any specific plan as to the markets and sewerage.

Mr. Hayward. I believe there can be no doubt the corporation have not fully considered how they would use these powers.

Mr. O'Hea. Certainly not; at the present time they have not any definite plans in their minds, either as to making streets, or improving the system of scavenging, or the system of the markets, or the system of the sewerage; they have no specific plans to lay before you with respect to these improvements. The only scientific evidence we have on the subject is what has been already laid before you.

Mr. Hayward observed that their inquiry would now be comparatively narrowed.

Mr. Mervyn P. Crofton, sworn; and Examined.

Witness. Is overseer of the pipe-water; his duty is to make estimates, and to lay out works; is the only overseer in that department; it is witness's duty to see what supply of water is wanted on the application of the inhabitants of a street, and to make a report in reference to it.

Mr. Hayward. You are the party who is to decide as to whether pipe-water is wanted in a given district or not; you are the head man, in fact?

Witness. I am. Witness has been in office as overseer under salary since 1837, but was assistant overseer two years before that period; served three years gratuitously to his uncle, the former surveyor; has been in office since 1833, but for three years received no salary. In 1835 witness became assistant surveyor; in 1837 he became overseer, and has remained so ever since; has got maps of the city showing the supply of water afforded to the citizens; but they were drawn a long time ago, and a number of alterations have taken place since then.

Mr. Hayward. Then you have no plan which will show how the city is supplied with water at the present time?

Witness. I think not.

Mr. Hayward. Have you or have you not a plan regularly kept on which the supply of water in the city is marked?

Witness. I have plans; but alterations have taken place which render these plans not exactly correct.

Mr. Hayward. Have you at the present time a plan or map on which it will appear how the city is supplied with water?

Witness. Not generally; the map I have does not perfectly show the supply; it has been made some time.

Mr. Hayward. Then you have not a map which will show the supply of water at the present time in the city?

Witness. No, sir. I have stated that I have a map that imperfectly shows at the present time the supply of water, and that it is drawn a long time; the alterations which have taken place since the present corporation came in are very extensive, and are not marked on that map.

Mr. Hayward. As I understand you, you have not at present a map which perfectly shows the present supply?

Witness. No, sir.

Mr. Hayward. When you came into office, what did you find in the way of maps?

Witness. I found the maps I have at present; they were drawn by my uncle, and at the time they were drawn they were tolerably correct.

Mr. Hayward. You have had no maps made since?

Witness. Not that I am aware of.

Mr. Hayward. Are you a scientific man? Can you make a map?

Witness. I have not been in the habit of making maps.

Mr. Hayward. Can you alter a map?

Witness. I can, sir.

Mr. Hayward. I want to see the maps you have at the present time?

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Mr. Ford. There are maps for which the present corporation had to pay 60*l.* to the late engineer's widow; they have been placed above stairs.

Mr. Hayward asked at what rate the water was paid for?

Mr. Reynolds. Sir Drury Jones Dickenson will tell you everything about it.

Mr. Ford. Thirty shillings is the highest for any one house in the city. They are rated by an Act passed about two years ago, called the Dublin Rates Act.

Mr. Hayward. Have the corporation put on these rates to the full extent allowed by the Act?

Mr. Ford. They have; there is a scale made to relieve the lower class of houses.

Mr. Hayward. This Act was passed in the year 1843. What time did the new corporation come into office?

Mr. Ford. On the 1st of November 1841.

Mr. Hayward. Was the pipe-water tax reduced or raised by the present corporation as compared with the old corporation?

Witness. The rates on the lower classes of houses are lessened, but on the higher they are raised, by the difference between Irish and English money, from 30*s.* Irish to 30*s.* English.

Mr. O'Han. The previous rate had been according to the ministers' money; the effect of the new Act was to raise the tax on some houses and to lower it on others, according to the new valuation.

Mr. Bransington. Is the rate regular or progressive?

Mr. O'Han. It is on a scale; the Bill was brought in by Lord Elliott, and the costs of it were paid by the corporation and by the Paving Board. In the improved part of the city where the ministers' money was low the rate has been raised, but in the dilapidated parts it has been lowered.

Mr. Hayward. Where is the water brought from?

Witness. The water on the south side is taken partly from the Grand Canal, and partly from the city watercourse; believes the course of the Grand Canal is from Dublin to the Shannon. It leads from Dublin to Carlow, Athy and Shannon Harbour, a distance of something about 70 miles. It is fed by springs which rise near the summit level, from which the corporation get their supply; the place from which they got their supply witness thinks is about twenty miles up the canal.

Mr. Hayward. What height is that above the level of the highest point in Dublin?

Witness. I am not aware.

Mr. Hayward. Have you no idea?

Witness. No, sir, I have not.

Mr. Hayward. Have you any idea what the level of the Grand Canal is there above Dublin?

Witness. Yes, the Grand Canal is about 75 feet above the level of high water in the river; I speak of the part the basin is supplied from.

Mr. Hayward. What proportion of water comes from that place, and what from the city watercourse?

Witness. I should say that we get about two-thirds of the water from the canal to James-street basin, and about one-third from the watercourse in summer. The basin in James-street is fed from the watercourse and the Grand Canal; the supply from the watercourse in summer is not anything like the supply in winter; in winter they are sufficiently supplied by it. When they can supply the basin by the watercourse they do not take the supply from the canal; the supply is taken from the watercourse by preference; the watercourse is supplied by springs in the mountains; it is a portion of the river Dodder taken at Templeogue, where there is a weir about five miles above Dublin. The corporation have, besides the James-street basin, another basin at Portobello, which is supplied from another branch of the Grand Canal. They have two basins on the south side and one on the north side. Of the two basins on the south side one is entirely supplied by the Grand Canal, and it is about one-half as large as the other.

Mr. Hayward. What quality of water is that from the watercourse; is it better than the other?

Witness. I think it is; I never tested it myself chemically; it has been tested, and I understood it was more pure than the Grand Canal water. There is a small filtering apparatus at Portobello; it is not sufficient for all the water of the basin; all the water of the basin does not pass through it; it is not sufficient for the whole supply.

Mr. Hayward. Do you consider the water in the Grand Canal not sufficiently pure?

Witness. All water requires to be purified by a filter; we are told that no water is wholesome till it be filtered; a scientific gentleman who tested that water, said it was hard water. Witness has not found it hard water; witness knows the difference between hard and soft water; would undertake to dispute what that scientific gentleman said; the water is not what is called hard; heard of no complaints being made of the water; would hear of such complaints if made; there have been no complaints made for the last two years; no complaints of any sort have been made on the south side since shortly after the present corporation came in; they had previously a number of complaints; the alterations the corporation made, and the extensions witness made for them, removed those complaints; every one that applied to them for water is supplied; the corporation are still improving and increasing the pipe-water accommodation; the city is not supplied by private pumps or wells.

Mr. Hayward. Do you undertake to say that the water in use in the city of Dublin is entirely supplied by the pipe-water?

Witness. Private individuals have pumps.

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Mr. Haywood. What are they supplied from?

Witness. Springs.

Mr. Haywood. The question I asked you was, were there wells in the city of Dublin which afford a portion of the supply of the city?

Witness. There are.

Mr. Haywood. I want to satisfy myself as to the supply of water in the city of Dublin; you tell me you are supplied by the canals and the watercourse; I ask you are there any supplies from wells or springs?

Witness. There are.

Mr. Haywood. What quantity is supplied in this way?

Witness. It is impossible to say.

Mr. Haywood. Do you mean to say that you, as overseer of the pipe-water committee, do not know the extent to which houses are supplied from private sources, such as wells; you do not know to what extent houses are supplied from wells?

Witness. No, sir.

Mr. Haywood. I asked the question, because I heard a gentleman say how remarkably rich a portion of the city was in springs.

Witness. I have no control over them, except those that are in the pipe-water works.

Mr. Haywood. Then you have not inquired at all as to whether they exist or not?

Witness. I know they exist, but I do not know to what extent they exist.

Mr. Haywood. You have a general impression that the city is supplied by springs, but you will not undertake to say to what extent?

Witness. I should state that from the knowledge I have of the pumps and springs of the city, the water from them is generally hard and brackish, and nearly in all cases unfit for culinary purposes.

Mr. Haywood. But it is used, I suppose, for drinking?

Witness. It is.

Mr. Haywood. Do you think that the water generally used in Dublin for drinking is or is not supplied from the pipe-water, or from springs?

Witness. Generally it is supplied from the pipe-water.

Mr. Haywood. Let us go to the north side of the city; the north side is supplied with water by the Royal Canal; where does that come from?

Witness. The summit level of the Royal Canal is, I believe, above Mullingar; Mullingar is about 40 miles from Dublin; the Royal Canal goes to Longford; it is fed from Lough Owel, a large lake beyond Mullingar.

Mr. Haywood. Is the supply always abundant from the Grand Canal on the south side of the city?

Witness. No, sir; we have had to complain of the insufficient supply from the Grand Canal.

Mr. Haywood. What was then done?

Witness. I understood from an officer of that canal, that they would send down water to us from another level.

Mr. Haywood. When you talk of levels, what do you mean?

Witness. The canal is divided by locks. The pipe-water committee had occasion to complain of want of water in the summer season for two or three years. They had no occasion to complain last summer, but in the dry summer they complained. Witness was informed that the levels were then down, and in consequence the supply came down. The Grand Canal are obliged to keep up a certain level in the canal for the purpose of trade; the canal company gave them the water required. The pipe-water committee were never, to witness's knowledge, in actual want of water. They keep the basin at a certain level, and they complained when they saw the level likely to fall.

Mr. Haywood. On the south side, at this rate, you were sometimes hard put to for water; but although you made complaints, yet the citizens were not short of water. Of course you complained when you saw the water likely to fall?

Witness. Yes, sir.

Mr. Haywood. If the dry period had lasted much longer, what would have been the state of things?

Witness. They could not have given the supply without leaving too little for themselves. It might have embarrassed them very much. The period I speak of was one of the greatest drought we had for years; I think it was the summer of 1845. Several years also before that there was occasion to call on the canal company for water, when some of their works were under repair. The basin was down 2 feet 9 inches at that time lower than usual. The usual depth of the water is 11 feet. The area of the basin in James-street is upwards of two acres.

Very seldom found a deficiency of water on the north side; had one last year in consequence of the repairs that were going on by the canal company. The engineer kept the water below their overflow, and the basin became quite empty. Witness informed the committee and secretary of it; they waited on the Board, and immediately water was sent down to them. Witness thinks they were in want of water for 12 hours.

Alderman Gavan. State the cause of this deficiency.

Witness. They were making the railway at the time. Witness does not recollect a deficiency on any other account on the north side. Thinks the water is of rather a better quality on the north than on the south side. There is not so much lime in it.

Mr. Haywood. How long has the supply on the south side been given by the Grand Canal?

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Witness. 1806 is, I believe, the date of the agreement.

Mr. Ford. The supply was originally taken from the canal in 1780. These are the articles of agreement for supplying the city from both canals at present—(Documents produced and given to Mr. Hayward). They are both dated 17th February 1806. The property in the canal, on the north side, has been since transferred by Act of Parliament to the railway company, but they must keep it up as a trading canal under the Act.

Alfredson Gavan requested permission, as one of the promoters of the Bill, to ask this witness a few questions.

Mr. Hayward. I think your questions should come through Mr. O'Hea, one of the counsel representing the promoters of the Bill; you can suggest your questions to him.

Cross-examined by Mr. O'Hea.

Mr. O'Hea. Every summer, except last summer, there was a deficiency in the supply from the Grand Canal.

Witness. Yes; we are entitled to a certain overflow of water, and we had not that overflow.

Mr. Hayward. Every summer there was a deficiency in the supply which was contracted to be given you.

Witness. Yes; but we had no complaint to make until last summer; the then deficiency was not one that inconvenienced the inhabitants of Dublin.

Mr. O'Hea. If you had not a supply from the city watercourse, would there not have been a deficiency?

Witness. In fact, we were getting no supply from the canal; and the only supply we had, that kept up the basin, was from the watercourse.

Mr. O'Hea. Can you tell us to what extent pipes have been put down by the present corporation?

Mr. Hayward. That must be shown to us by maps.

Mr. O'Hea. Can you tell the size of pipes that have been put down since the present corporation came into office?

Witness. We have 12-inch mains, upwards of a mile and a half long; they were the first of that calibre laid in this city.

Mr. Hayward. Let us have this with the maps. It is an essential part of our inquiry to know, in what state the pipe-water department was before the new corporation took it in charge, and what it is at the present moment; but we cannot understand this without the assistance of a map.

Mr. Henderson handed in a newspaper containing Professor Kane's analysis of the canal water, by which it appeared that there was a difference of opinion upon the subject.

It being suggested that the supervisor could give the best account of the existing maps and plans,

Sir Drury Jones Dickenson, was here sworn; and Examined.

Witness. Is supervisor and secretary of the pipe-water establishment; it is nearly 14 years since he was first appointed supervisor; since the present corporation came in they gave him the increased duty of secretary, and he has been secretary since they came in in 1841; as supervisor it is witness's duty to make rentals generally of the whole city of Dublin, and of the rate of each house for pipe-water, and to give a duplicate of these rentals to each collector; also to check the weekly returns, and to watch generally over the establishment. The plans for filtering produced by witness were put into his hands as secretary, for the use of the pipe-water committee; they were made in the year 1843, but they were not acted on because they were of too complicated a nature for the size of the basin; there is a very large map of the city upstairs; the maps produced put together form a complete plan of the city, but they do not express anything but what was in existence in the year 1844; witness has no plan showing anything that was done since 1844 in the pipe-water department; the present pipe-water committee always felt the want of such a map, but never got one made.

Mr. Hayward (to Mr. Crofton). How do you propose showing to me what has been done by the present corporation in the pipe-water department since they came into office?

Mr. Crofton. By colouring a map.

Mr. Hayward. Do any of the fountains appear on those maps?

Mr. Crofton. They do not.

Mr. Crofton cross-examined by Mr. Henderson.

Witness. The public fountains are principally for the use of the poor inhabitants of the city: some of them are for the use of the Paving Board for watering the streets; cannot say that it is the fact that the great majority of the poor get their supply of water from the public fountains; many of them are supplied from them.

Mr. Henderson. You said there were no complaints with respect to the quantity of water in the mains; do you mean to say that the mains are always filled?

Witness. No, some of the mains are not; the mains that are called magazines are nearly always charged; the mains that are not charged are the service-mains leading through the streets from the magazine mains. The supply of these mains is regulated by the different times of service; in some places the times of service are three or four times a week, and in other places oftener; in a great number of cases since the present corporation came in, places that

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that had been badly supplied (only twice a week) are now constantly supplied. In the service-mains the supply is generally from three to six and from eight to ten, and sometimes twelve hours, until the inhabitants of the place are supplied. There is a continuous supply on the public fountains, with a few exceptions. Since the present corporation came in, the supply on a number of fountains has been made constant. The number of fountains in the city of Dublin is 81; of these there were 70 when the present corporation came into office; and it is aware that these fountains are under the charge of the Paving Board, and that the corporation are under contract to supply these fountains with water. The Paving Board are bound to pay the corporation the annual sum of 150*l*. for that supply. There have been constant complaints from the Paving Board of the want of supply of water on these fountains. These complaints have been well-founded, and in many cases they have been rectified by the present corporation under witness's direction. These complaints have ceased as to these fountains. The Paving Board are not now satisfied; they have not lately expressed dissatisfaction at the existing state of things; not since the present corporation have come in. Witness must define this matter, because the Paving Board are never satisfied. In many cases the Paving Board have had reason for their complaints. According to witness's knowledge, the Paving Board have not at present everything they have a right to require. All the fountains are not supplied according to the right of the Paving Board.

Mr. Henderson read the portion of the Act of Parliament relating to those fountains, and asked witness had the terms of the Act been complied with as regards the public fountains?

Witness. With the exception of five fountains.

Mr. Hayward. By the Act of Parliament the Paving Board were entitled to a certain thing. I want to know whether that was or was not carried into effect?

Witness. It was not.

Mr. Hayward. Is every fountain that has been built properly supplied with water?

Witness. Not as yet.

Mr. Hayward. The Paving Board complained, and they had reason to complain?

Witness. They had, sir, in many cases.

Mr. Henderson. You are aware that some of the fountains are used for watering the streets, besides supplying the poor with water?

Witness. Some of them.

Mr. Henderson. Have there been complaints made by the Paving Board on account of the insufficient supply in the fountains for watering the streets?

Witness. Yes.

Mr. Hayward. Some of the fountains are for a double purpose; the poor can have a supply from them, and they can also supply the water carts?

Witness. Yes.

Mr. Henderson. Are there any fountains solely for the purpose of supplying the water carts?

Witness. Yes, there are four at Stephen's-green, solely for that purpose; and if I recollect correctly, I recommended the Paving Board to make these available for the poor, and they have not done so. If the fountains were made in the way I speak of, the poor, if not supplied elsewhere, could get a supply from them.

Mr. Henderson. What do the poor of Stephen's-green consist of?

Witness. The poor from the streets and lanes off Clarendon-street. The mains of the pipe-water establishment are, on the mornings of the days the Paving Board require water for the streets, about from 5 until 10 o'clock, during which time as much water flows as they could use for two days, if they took the means of saving it; believes there is no foundation for the complaint of want of water for watering the streets; is aware that the Paving Board were obliged to raise water from the river for the purpose of watering the streets. From five o'clock in the morning until ten are the hours for giving water for watering the streets; after these hours, if the tide answers, the Paving Board take the water for the streets from the river. It must be kept in mind that the pipe water-works are for supplying the inhabitants of the city in the first instance, and after that the supply is given for other purposes.

Mr. Hayward. You are not to suppose that you are here to defend yourself from any charge made against you; if you have not the water you cannot give it. The question is, whether the water is sufficient for all the purposes of the city. What we want to know is, in point of fact, whether you supplied the Paving Board with as much water as they wanted for watering the streets.

Witness. They have frequently complained that they have not got enough.

Mr. Hayward. The reason they went to the river was because they could not get the water from you?

Witness. They go to the river and at the same time they draw from us; the reason of that is because they have not a sufficient number of fountains; if there was a fountain at Nelson's Pillar, another at Cavendish-row, another at Carlisle-bridge, the Paving Board would have no occasion to go to the river.

Mr. Hayward. You consider that, if they have not water enough for watering the streets, it is their own fault?

Witness. Yes, I have stated so in a report to the Paving Board.

Mr. Henderson. Why do you stop at certain hours; is it because you have not a sufficient supply of water?

Witness. We stop for the purpose of supplying the inhabitants, who are to be first supplied.

Mr. Hayward. If you had an unlimited supply of water for the streets, of course you would

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would never stop your supply at all; is your answer, that you cannot give them all the water they want at all times.

Witness. Yes; there is not an unlimited supply of water in the city.

Mr. Henderson. Have you known the Paving Board to be attacked for using the water out of the river for watering the streets?

Witness. I saw something about it in the public papers; I should state that this was owing to the water being taken from near the side of the river where all the foul water is; I recommended the Paving Board to extend their suction pipes into the current of the river.

Mr. Hayward. I think it comes to this; that according to the present supply of water, there is not enough both for the inhabitants and for watering the streets?

Witness. Yes, sir.

Mr. Henderson. Is it your opinion that there is a sufficient supply in the fountains for the poor?

Witness. With the exception of five fountains, the others are very well supplied.

Mr. Henderson. Are there any mains in the new streets below the Custom House?

Witness. No.

Mr. Henderson. That is become a thickly-inhabited district?

Witness. It is.

Mr. Henderson. What do you call that district?

Witness. Guild-street and Sheriff-street; they are new streets; new pipes are ordered for that district.

Mr. Henderson stated that he was not aware of any other question that it was necessary for him to put to this witness.

Mr. Hayward then examined the witness as to the condition of the fire-mains in the city.

Witness. We have a fire-plug that was invented by Alderman Gavan; the system of fire-plugs is becoming uniform over the city; they are not very long invented; they were invented in 1844; before that time there was nothing that witness could call a fire-plug; the mains had to be opened, and the plug searched for; there are 380 of these fire-plugs in the city; they are putting them down every week; at least 200 more fire-plugs are required; the corporation are putting the fire-plugs down by degrees, in order that the inhabitants may not be inconvenienced, because they are obliged to take the water off the main at the time they are putting them down; they expect that the system will be complete in two or three years more. If a fire should happen, in a district unsupplied with a plug, there would be no water. The Paving Board carts are filled with water, and brought to where there may happen to be a fire.

Mr. Hayward. Really, as regards fire, there is not a proper supply of water in the city. In your opinion, is the water distributed on the mains in such a manner as to be properly available in case of fire?

Witness. Not in all cases; I dare say one-third of the city is unsupplied; all the existing mains are not always charged; in case of fire they would be in some cases longer than in others in getting at the fire-plugs; in other cases they would not be available at all.

Mr. Hayward. Out of those 380 plugs, how many are fully available for the purpose of extinguishing fire?

Witness. I should say 250.

Mr. Hayward. Well then, you have not got half of the city supplied with them?

The Lord Mayor. The principal part of the city is supplied with them.

Mr. Hayward. There are only at this moment 250 fire-plugs fully available. That more than half of the city is without the supply of water that it ought to have in case of fire. What other provision have you in case of fire?

Alderman Gavan. The fire insurance offices and the parishes have fire-engines.

Mr. Hayward. Have you any plan for improving the waterworks?

Witness. Unless by laying down large main pipes; I have not drawn any plan.

Mr. Hayward. Have you any scheme for supplying the city with water?

Witness. No, sir. I have a scheme for increasing the works generally.

Mr. Hayward. In fact, you do not present us with any scheme?

Mr. O'Hea. No, sir, we do not; we do not present any particular scheme.

Mr. Hayward. But you have no scheme founded on scientific observation.

Mr. O'Hea. We have no scheme.

Mr. Hayward. No scheme has even been suggested to us for bringing more water to the city.

Re-examined by *Mr. O'Hea.*

Under the old corporation there were not any fire-plugs that could be available, unless by sinking under the mains; the streets had to be dug up to come at any of the plugs; the plugs now down were put down by the present pipe-water committee. With the exception of one or two, the number of the fountains is the same as before the present corporation came into office. The quantity of water distributed in the city is about 200,000 barrels for the whole city; at the slackest time, when the water is low, very nearly the same quantity is distributed. The first calculation witness made was, that there were 170,000 barrels; that calculation was incorrect. There has been a considerable increase in the supply of water to the citizens since the present pipe-water committee came into office; the fountains are much better supplied now than they had been under the former management, with the exception

exception of five fountains; 43 of them are constantly supplied. The basins would supply a larger quantity of water if the mains were larger.

Mr. Hayward. Assuming a time of dearth, would there then be a sufficient supply?

Witness. Every summer we found a certain difficulty with regard to the Grand Canal.

Mr. O'Hea. According to the state of the basin, as supplied by the canals last summer, if the pipes were larger, would the basins be sufficient to supply a larger quantity of water?

Witness. Certainly.

Mr. Hayward. Does anybody doubt for a moment that it is necessary that there should be a better supply of water for the city of Dublin?

Mr. O'Hea. You stated that the deficiency of former years arose from a deficiency in the canal works; has that deficiency been got rid of?

Witness. Yes, I heard that.

Mr. Hayward. On so important a point as this, I cannot receive any hearsay evidence.

Witness. Remarked to a person connected with the Grand Canal, that the pipe-water committee had no want of water at all during the last summer; that person said, "Oh no, you cannot want water again, because we have made alterations in the Grand Canal." That was the canal in which there had been deficiency; the supply has always been sufficient from that time; the depth of the basin varies; it is generally about 11 feet; there is usually a supply over eight feet to the mains.

Mr. Hayward. The mains, then, are not large enough?

Witness. There has been a deficiency.

Mr. Hayward. I understand you to state, that the pipes are not large enough, the pipes leading from the basin.

Witness. They are not.

Mr. Hayward. Then there is a deficiency.

Witness. There is the deficiency I stated before.

Mr. Hayward. If the pipes are too small, that must create a deficiency?

Mr. O'Hea. There is a deficiency in continuity.

Mr. Hayward. I cannot help seeing that before you answer a question you think how it will bear on the topic before us. I want to know from you whether it is the fact that at this time you cannot give the city as much water as it wants.

Witness. It is.

Mr. Hayward. You say the reason of that is because the pipes leading from the basin are not large enough.

Witness. Yes, sir.

Mr. Hayward. Would you undertake to say, from what you know of the present state of things, that with an alteration in the pipes you could supply the city with as much water as could be wanted?

Witness. Yes, sir.

Mr. Hayward. For watering the streets, house purposes, fire, flushing sewers, and everything?

Witness. That is my opinion.

Mr. Hayward. As regards the supply from the Grand Canal you think there is not the slightest cause of apprehension in regard to a want of supply for the future.

Witness. As I heard.

Mr. Hayward. Have you been to look at these alleged improvements in the Grand Canal?

Witness. No, sir.

Mr. Reynolds. Ask him whether we require power from Parliament to enlarge the pipes. The fact is, we do not require it; it would cost upwards of 20,000*l.* or 30,000*l.* to enlarge them; we have not the money at present; and all this appears to me to be beside the question.

Witness. I should say that 50,000*l.* would be necessary to give a never-ceasing supply, such a supply as seems to be wanted.

Mr. Hayward. As seems to be wanted! Don't you think the fountains for the poor ought to be constantly flowing? the fountains for watering the streets properly supplied? and the mains full when water is wanted for fire?

Witness. It would cost 50,000*l.* to put the pipes in a sufficient condition to give a supply for all these purposes.

Mr. Hayward (to the Town Clerk). How much revenue have you got from the pipe-water?

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Mr. Ford. About 14,000 l. a year. We paid 2,800 l. a year interest on the debt.

Mr. Hayward. How much is your annual revenue, after paying expenses and all outgoings?

Sir Drury Jones Dickinson. £. 4,000 or 5,000 l. a year.

Mr. Hayward. What do you do with that?

Sir Drury Jones Dickinson. It goes into the borough fund.

Mr. Hayward. I do not see why that should not be applied to the supply of water.

Sir Drury Jones Dickinson. A great portion of that has been expended since the corporation came in.

Mr. O'Hea. The Lord Mayor says that a larger sum has been expended than the net income.

Re-examination resumed by Mr. O'Hea.

Witness. The increase of the pipe-water has been very great since the present corporation came in; the fountains which were badly supplied, are properly supplied, with the exception of five fountains.

Mr. Hayward. You should show me where the pipes are wanted some way or other; it may be necessary to have a greater supply of water for the purpose of sewerage: has that ever come into your contemplation?

Witness. No, I have not given my mind to it at all.

Mr. Hayward. Supposing a large quantity of water to be wanted for the purpose of sewerage, could it be obtained?

Witness. I think a sufficient quantity could be got at high-water mark above the city.

Mr. Hayward. What do you mean; where do you intend to get the water?

Witness. At Island Bridge; in fact, I did not consider the matter at all; but I say, if a basin were made at the upper end of the river, the tide would flow into it, and the sewers could be flushed.

Mr. Hayward. Assuming that for the purpose of sewerage a constant supply of water would be necessary, have you formed any opinion about what quantity could be supplied?

Witness. I have formed no opinion of it.

Mr. Hayward. If I understand you, that topic was never laid before you?

Witness. No, sir.

Mr. Hayward. You, as overseer, have never been asked about a supply of water for sewerage.

Witness. I never have been asked about a supply of water for sewerage.

Mr. Peter Moore, sworn; and Examined by Mr. O'Hea.

Witness. Resides in James's-street. Has been, but is not now, a guardian of the poor. The neighbourhood of James's-street and Thomas-street has been latterly kept in a most filthy and disgraceful state. It is the leading approach to the city from 13 or 14 counties in Ireland. It has been in this state for the last winter particularly. The people of the neighbourhood have complained of it; and witness himself complained of it, and wrote to the Commissioners on the subject. The locality in which witness lives is the approach to the city from a great many counties, and the country carriers experience a great deal of annoyance on delivering their loads from the filth of the streets. Witness has individually experienced a great deal of annoyance in loading leather, so much so that his men have been obliged to remove their carts into the middle of the street, in order to get into a clean place. The filth is heaped up and left there for eight or nine days without being removed. Witness threatened the Commissioners that he would not pay the tax, but they gave him no answer to his letter. Told the collector, when he came to his neighbourhood, that witness would pay no tax; but, unfortunately, he had paid his tax before that. The heaps of mud continue for more than a mile and a half. Complaints respecting the scavenging have been very general in the neighbourhood. Witness likewise complained of the want of scavenging in the lanes in his neighbourhood where poor people live. Witness's premises extend from James's street to Bow-lane. In the upper part of Bow-lane there is no main sewer. Witness was summoned by the inspector of police for the purpose of being compelled to make a sewer from his premises to the main sewer; but to make this sewer into a main sewer that never existed was quite impossible, and that was to be done under a penalty.

of 40*s.* a day. Witness made no application to the Paving Board to make a main sewer, because the individuals who would have to pay for it are all poor.

Mr. Henderson. Your complaint is against the law and not against the Paving Board.

Witness stated that there was a place called Pigtown, Basin-lane, a locality inhabited by a great number of poor persons, and that great annoyance was experienced there from the want of scavenging. The night soil was thrown into and allowed to lie on the surface of the street. Witness knows Bridge-street; it is called Dirty-lane. It is in so disgraceful a state that it is hardly possible to get into one of the largest factories in Dublin, which is in that street, from the state of the filth. Bridge-street is a street of immense thoroughfare.

Cross-examined by *Mr. Henderson.*

The period witness alludes to, in respect of the state of the streets, is the latter end of last year; thinks there was a great deal worse weather from January; there was bad weather at the end of last year, then came on frost, and after that a thaw. Unless there had been a previous accumulation of dirt in the street, witness does not think that frost, which had succeeded continuous bad weather, and which was then succeeded by a thaw, would account for the quantity of mud. The circumstance of those large continuous heaps of mud being allowed to remain there reminds witness that he saw a dairyman's car nearly upset by coming in contact with a block of mud in the street; thinks it is the effect of frost on macadamized streets to loosen the centre of the streets, if there has been a previous moisture; does not know the date of the letter witness wrote to the Paving Board, but should think it was written in the middle of November last.

Re-examined by *Mr. O'Hea.*

There was a great quantity of mud there after the thaw, and very lately.

Alderman McKenna, sworn; and Examined by *Mr. O'Hea.*

Witness resides in the Custom-house Ward; thinks, in a portion of that district, the scavenging is neglected; about the neighbourhood of Guild-street, Nixon-street, Newfoundland-street, it is in a very bad state; thinks that nothing has been done for it yet, in the way of scavenging. The Paving Board are about two years in receipt of taxes for it. The street has been built more than two years; the houses have been building the last four or five years, but it is only within the last two years that the street has been under charge. The Board put up lamps there, but they are at such distances from each other that they scarcely afford any light. Guild-street is in a most woful state; witness does not think that the hack woods of America could afford such a spectacle; the mud there would swallow up a man; is not aware of the fact himself, but understood from persons in the neighbourhood that they have been complaining of this state of things for a series of years, but particularly since they had been under charge.

Cross-examined by *Mr. Henderson.*

Is aware that this street has never been formed by the Paving Board. Witness says that is his complaint. Is not aware that the forming of a new street is done at the expense of the inhabitants, and not of the Paving Board. They get the taxes, and witness does not know the practice. This street has never been paved. Believes that Guild-street forms part of the Circular-road.

Mr. Henderson. The jurisdiction of the Commissioners only extends to the Circular-road.

Witness. Nixon-street and Newfoundland-street are all as bad. Witness applied to the grand jury on the subject for a presentment, and that application was thrown out. Made an application this time two years to the Paving Board to postpone the rate until they gave some value for it.

Mr. Henderson stated that the Board could not levy the tax necessary to defray the expense of paving the street, except on the inhabitants of the street; and that if there were not a sufficient number of inhabitants in it, the Board would not have funds for the purpose.

Mr. John Henry Macken, sworn; and Examined.

Witness. Resides in Queen-street; is in *Mr. Ford's* employment. Generally passes over Queen's Bridge, and comes along Usher's Quay to William-street. Usher's Quay leads out to the Cashel Railway; that part of the city has been in a very filthy state indeed for the last two

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months; there has been during that period a collection of complete cesspools formed from bridge to bridge, at the side next the Liffey, from filth and neglect; the mud has been until very lately all heaped up at one side of the quay, to the depth of a foot in some places. Saw the place to-day; it was not to-day in the state witness has described; it had been cleaned on last Thursday morning; for the previous two months, witness could not pass the wall without making a good leap. There was one circumstance respecting it which attracted witness's attention particularly; the night the Lord Lieutenant had a command night at the theatre, two of the guard accompanying him had been late; they were galloping after his Excellency, and they dashed in full gallop through this place, and they were all completely covered with the mud, and witness had a narrow escape himself; the diagoons were in a frightful state. This was on the 21st of December last.

Cross-examined by Mr. Henderson.

This was shortly after the thaw; the whole street was not in the state witness describes; it was swept from the houses to the Liffey Wall; the mud was left there for the purpose of being removed, but it was left there for two months; witness does not know that men are constantly employed along this place to keep the water-courses open into the river; it is not the fact that the carriage-way is swept; it is very filthy; the thick filth was removed next to the wall; there is a flagged pathway, and the mud was close up to that; witness is in the employment of Mr. Ford; believes this quay is a macadamised street.

Mr. Miles Tolyn, sworn; and Examined by Mr. O'Hea.

Witness generally goes daily from Capel-street to the Commercial Buildings; when witness has walked down to the Metal Bridge, he is obliged to make a jump to get across the street; the mud is swept over to one side of the quay; thinks this has been the case for the last two months, at all events; witness was down to his ankle in the mud there the other day.

Cross-examined by Mr. Henderson.

Confines himself to the last two months, at all events; had intended to have crossed at Ryan's hat shop at Essex Bridge; if there was a paved crossing there, it must have been covered with mud.

Mr. Hubert McGaire, sworn; and Examined.

Witness is a householder in the city; lived in Harry-street, off Grafton-street; there is a coach-office next door to where witness lived, from which three or four coaches are dispatched every day. Witness complained several times to the scavengers, and told them he would complain to the Paving Board if they did not attend more particularly to the cleaning of the street; the filth would be left there for a week together; means the heaps of mud that are swept from the sides into the centre of the streets. Witness speaks of a period of near two years.

Cross-examined by Mr. Henderson.

Did not complain in writing on the subject to the Paving Board; complained to some of their officers; complained to the scavengers; mentioned the matter in the Paving Board office, and they desired them to write to the Commissioners, but witness had something else to attend to, and did not think it worth his while to write to them; complained to the collector when he came round for the tax. Is in the habit of going through the city on business; removed from Harry-street to Church-street; all the streets from that street to Pill-lane, and up to North King-street, are in a most shocking state in respect of scavenging; has mentioned from time to time to friends that witness should not wonder if disease would be in the city.

Mr. Haynard (to Mr. Henderson). It is only right to tell you that Mr. Brassington thinks the Paving Board have been rather lax in their duty in respect of the scavenging.

Mr. Henderson. We shall be able to give you evidence to explain this, and to show you that, according to our means, we have done our utmost in the scavenging department.

Mr. Haynard intimated that he thought it was unnecessary that further evidence should be given at that time, on behalf of the promoters of the Bill, as to the deficient state of the scavenging.

Mr. Reynolds. £.6,000 a year for scavenging! I think I would sweep a good deal for that.

Mr. O'Hea stated to the Commissioners that this was all the evidence he was about to offer to them on this branch of the case.

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Mr. O'Hea, as counsel for the Promoters, stated that he should not produce any witnesses as to the Wide-street Board, but rest on the Municipal Report of 1844. The counsel for the Wide-street Board was heard at length, documents were put in, and some discussion took place, but no witness was examined during the day.

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William Ford, Esq., Re-examined by Sir Colman O'Loughlin.

Witness is perfectly acquainted with the street in the city called Westland-row. The terminus of the Kingstown Railway is there, and the Roman-catholic chapel for the parish of St. Andrew. The chapel is a large building; between 15,000 and 20,000 persons go there every Sunday to Divine worship; should imagine that the chapel has been built 10 years; the erection of it cost about 15,000*l*.

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Sir Colman O'Loughlin. What is the state of the flagway there?

Witness. It is in a most wretched state; there is no flagging from the railway for I think 105 feet towards Marston-square; Westland-row is the thoroughfare to the railway from all this side of the city; there is no flagway in Westland-row before the chapel and the two houses of the clergymen; there is a flagway from the post-office to the railway; the length in front of the chapel and of these two houses, measured by witness's step, is about 60 feet. There are 165 feet on one side of the street without flagging, and on the other side of the street there is no flagging for nearly 180 feet; in a wet winter the pathway is very filthy and dirty. Witness knows St. Patrick's Cathedral and the dean's house; will not say positively that the footway before the former has been flagged lately; there is flagging before the dean's house.

Cross-examined by Mr. Murphy, q. c.

Is this a new street?

Witness. The word "new" is a term which you must define, if you please.

Mr. Murphy. Up to this moment has the street been built on?

Witness. There is a break on both sides of the street in the building.

Mr. Murphy. Is it built on?

Witness. There is a break on both sides of the street in the building.

Mr. Murphy. Is the street built on or not?

Witness. The street is built on, but —

Mr. Murphy. Is there not a portion only of the street built on on both sides?

Witness. I have told you so.

Mr. Murphy. Are you able to state whether any application was ever made by the clergymen or by the inhabitants to have flagging put down there?

Witness. I am not prepared to say that.

Mr. Murphy. Nor by yourself.

Witness. No.

John Reilly, Esq., sworn, and Examined by Mr. Henderson.

Witness has filled the situation of secretary to the Paving Board since 1837; had been acting treasurer from January 1836 to June 1835. The present Commissioners of the Paving Board are Richard Smyth, esq., Lieutenant-Colonel Sir George Morris, and Hickman Kearney, esq. They are the same Commissioners that were in office at the time the corporation report was made. In reference to that report, instead of witness's superintendence being nominal, as stated in page 89 of that report, he is the most active and the most laborious officer in the entire establishment. Was not examined by the Corporation Commissioners on this subject, because if he had been he would have set them right. Witness was examined before those Commissioners, but not on the point alluded to in the statement in page 89 of their report; never made that statement; it is not true. There are three Commissioners on the Paving Board; they attend daily in the board-room, generally from 11 until 3 o'clock; they are employed in considering various subjects relating to their proceedings. As to the general duties performed by the Commissioners, they have a great number of communications made to them which they have to consider; viz. applications on various subjects relating to taxes, repales, and any improvements the citizens may require, and communications extending to all that concerns the establishment. The Commissioners are fully employed for three or four hours a day; any two of them can act. Drafts on the bank must be signed by two Commissioners; in point of fact, two are always in attendance.

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ance from 11 o'clock until 3; their duties are such as to require daily attendance; the magnitude of their duties will be ascertained by a reference to their minute-books. Witness produces one of the minute-books; there are generally four or five of these books filled in the year; they are written by witness, and signed by the presiding Commissioner. The communications of every day are numerous; they are read and acted upon; the presiding Commissioner is obliged by the Act to sign the day's proceedings. Besides the books connected with these proceedings, there is a diary kept, the object of which is, in case of reference to any of their officers, they may know where the various documents are to be found, and the numerical entry enables them to get in the press any document required; there are besides subsidiary books in the hands of the different officers. Think, in order to give full satisfaction, daily attendance on the part of the Commissioners is necessary. It is not witness's opinion that a body meeting once or twice in the week could do the business; should say that daily attendance is indispensable. Some of the Commissioners very often go to look after the works. This (the book produced) is a diary in which documentary communications are entered with a view to facilitate reference. All documents sent to the Paving Board are kept, so that there is easy access to them. The senior Commissioner has a salary of 600 £ Irish a year. There was a dispute with regard to some officers or superintendents in the establishment as to the limitation of their salaries, and the opinion of Mr. Sturin, the then Attorney-general, was taken on the subject. There was a difference of opinion on this subject.

Mr. Hayward. You had better not go into this doubtful point.

Witness. In addition to the Commissioners, there is a secretary, a treasurer, and two supervisors of works. They are appointed by the Lord Lieutenant. There is a supervisor for each side of the Liffey; all the other officers are appointed by the Board. In witness's office there are four clerks; in the treasurer's office there are three clerks; and there is a book-keeper and a clerk in his office. (Witness hands in a list of the officers and their salaries (printed in the Report).)

Mr. Hayward. Now are all these officers fully employed?

Witness. I should say they are; in my office, certainly; they are in the office from 10 to 4 o'clock; and witness himself works in the evening, and before breakfast in the morning. (Witness hands in to the Commissioners a paper announcing his appointment as secretary to the Paving Board, by the Lord Lieutenant.)

Mr. Hayward. Nothing could be more satisfactory than that.

Witness writes the minutes and all the letters of a particular kind, and notes the proceedings, assists the Commissioners, and the Commissioners generally confer with witness; every application is answered in writing; the officers in their office are fully employed; confirms this observation to witness's own office. With respect to the treasurer, he conducts all the financial duties of the office; there are three clerks in his office, and witness thinks they are fully employed; the treasurer is also comptroller of the collectors; he receives the money; he generally checks the ledger; the apportionment of the taxes is spread over a great many books. (Witness hands in the treasurer's books). There are appendages to the treasurer's office. There is an inspector of taxes; his duty is to enter the apportionment after the Board have made their assessment.

Mr. Hayward here inspected the treasurer's books.

Mr. Michael J. Dillon (the treasurer) stated that this book contained an account of the receipt through the year; it also contains the bank account; and also the expenditure from the commencement to the termination of the year; his duties are not confined to these particulars. In addition to this there is the tax account of all premises assessed in the city of Dublin, contained in books kept for every ward; there are 13 ward books, in which the names of every person assessed in respect of houses in the city of Dublin are entered; there are between 16,000 and 17,000 of these houses. The receipts on account of taxes are also entered, and the discharges, when the taxes are paid.

Examination of Mr. Reilly resumed.

Witness (examination being resumed) states that with respect to the out-door work, there is one inspector of lights. The Paving Board furnish accounts annually to the Audit Office in London, and queries are sent over from that office frequently, and answers given to them, and the accounts are completely under their control. In addition to furnishing accounts to the Audit Office, the Board published their accounts for two years in the newspapers, and printed abstracts of them for circulation, giving notice of the fact in the newspapers; this practice was discontinued, because, as witness understands, the public did not avail themselves of the notice to come in and take those accounts. Understood from the treasurer that the expense of printing these accounts was upwards of 100 £.

With respect to lighting the city, there has been a contract entered into with the Hibernian Gas Company for lighting it; the annual amount under the contract for lighting 2,400 lamps, is 3 £ 1 s. 8 d. for each lamp per annum; there are besides additional lamps, and for these the rate is 3 £ 10 s. each. The annual amount charged for lighting the lamps is a very considerable sum, upwards of 8,400 £. Should think that the inspector of lamps is fully employed, his duty is to see everything belonging to the contract for lighting the public lamps fulfilled, and that the lamps consume the specified quantity of gas. If one street is well lighted, he may presume that other streets on the same level are also well lighted.

With respect to paving, the duty of the supervisor is to take the control over all works for public ways; he makes general estimates for works to be performed every year; besides this, he makes estimates for works relating to the sewerage. The supervisor has under him several

several assistants and inspectors. The materials for macadamizing streets are supplied by persons with whom the Board make agreements; and the Board employ their own men to apply the materials. The city is divided into north and south districts. Thinks there is a very great desire manifested on behalf of the inhabitants of Dublin for macadamized streets. The introduction of them has increased the expense of the Board very much, especially in scavenging. The street manure has materially diminished in value; it cannot be sold; it has become not only more expensive to keep up the streets, but they give a worse return; has made no estimate of the increased expense, because macadamization was introduced gradually from year to year, and the paving proportionably reduced. Supposes that the manure is not saleable, because of the inferiority of its quality, compared with the manure produced by paved streets; thinks that some years ago the manure brought in upwards of 1,000 *l.* a year; last year it produced only 328 *l.*; there are no exertions that can be made by the Board for the sale of it; they have not lately advertised it. The manure is kept in depots; they found difficulty in obtaining reservoirs for it on the south side of the river.

The flagging of the streets is done by their own men; the materials employed are supplied by contract. With respect to the scavenging, during the last two months of the last year, from the prevalence of the frost and the suddenness of the thaw, there were not sufficient means at the disposal of the Board to provide sufficiently for it. Their contract for carts was out, and the Commissioners were not satisfied with the condition of the carts as they were given up by the late contractor; the consequence was, that the present contractor would not receive them; this was in the latter end of the last year. Certainly there were several complaints last year; previously to these does not recollect any material complaint. It is very difficult to keep macadamized roads clean after wet weather, unless they are kept up to a certain level. Previously to the year 1840, there might have been complaints made to the Board in respect of the scavenging, but none were made that occurs to witness. With respect to the accumulation of mud on the quays, there were two causes for it, the weather and the carts; the weather was peculiarly unfavourable, the depots were full, there was a difficulty in obtaining fresh ones, and also a difficulty in respect of carts; all these causes united, about the same period, to produce the effects complained of; the Board took measures to obtain depots; the efforts they made were personal inquiry; additional depots became necessary from the introduction of macadamization.

Mr. Heywood. Don't you think that, before the Board introduced the system, they ought to have been prepared to carry it out?

Witness. The system grew to its present magnitude gradually; there was a disinclination shown to give the depots; it was not an object with the people to let the manure in on their ground, and the Board should carry it somewhere else.

The Board are in treaty for ground for depots, and they expect to guard against a recurrence of what has taken place. Under the recent Act for employing the poor, the persons who usually supplied the Board with materials for keeping the streets at a proper level supplied the places near them, and made it difficult for them to get a supply. They get the principal supply on the south side from the River Dodder. The best stone is pebbles; limestone is very good to produce better manure, but it is not so hard as the other.

With respect to the annual rating, there is a maximum rate beyond which the Board cannot go under the Act of Parliament; that Act adopts the Poor-law valuation as the standard of assessment, provided the Board do not exceed in any year the sum previously raised for any one year. The supervisor of works is required to give an estimate of the requisite expenditure for the year; this estimate is referred to the treasurer to make an estimate of the probable receipt for the same period; he does that, and it is sent up to the Board, and a minute is then made, on which the assessment is founded. The Board estimate that there is 8,000 *l.* required more than their ways and means, being limited by the Act to a certain sum. The opening of a new street, if it be built on, adds to the income of the Board, but generally it is not built on, and therefore there is a loss. There are several new streets in which there is no assessable property at all; for instance, near the building ground on the quays west of the city. These yield no return to the Board, viz., Lower Gloucester-street, from the corner; Buckingham-street, and Earlsfort-terrace; these streets must be kept lighted and maintained without any revenue. The same observation applies to Harcourt-street, towards the eastern extremity, and Wilton-terrace. At present the cost for paving is not a poundage rate; the Board is limited to an aggregate amount not exceeding any annual amount previously raised; thinks the assessment averages about 37,000 *l.* per annum, but deductions must be made from that sum for losses by insolvency, and other causes. The Act of 1814 is the one under which the Board act; they go to the full extent that they think themselves entitled to by the Act. The watering tax is not rated in anticipation of the expense, but for the expense incurred, it is not income but reimbursement of previous expense. When a sewer is to be built, the Board give 14 days' notice to the persons liable to the expense of building it, convening a meeting of them; and, if the inhabitants wish for it, a contract is made, and the expense assessed. Witness does not call this revenue.

Cross-examined by Mr. O'Hara.

Thinks the want of funds is the only ground of difficulty with the Board in respect of the works of Dublin; thinks they are doing the works of Dublin. The Board are not doing as much as they ought, and would do, but for the reason assigned. Believes the lighting of the city is sufficiently done by the Board, and the scavenging as far as they have the power. The

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scavenging of the city of Dublin is not sufficiently done, and not so well this winter as usual, generally speaking.

The contract for horses is generally made for three years; cannot recollect how long before it is entered into that public advertisements are given of it. Thinks there are 170 carts belonging to the Board; a contract was entered into for the supply of them in the month of October last.

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Cross-examination of Mr. Reilly, continued by Mr. O'Han.

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Witness has open before him the contract for supplying horses to the Paving Board; the number of horses last contracted for was 70, with a condition for additional ones. The Board received tenders for contracts for supplying horses, but they were not accepted, and an arrangement was made with Mr. Lacy; they advertised for contracts; the present contract was entered into on the 14th November 1845, for three years, and the advertisement before the contract was entered into is dated the 25th of October 1845.

[Witness reads advertisement, as follows:]

"Contract for Draught Horses.

"The Commissioners for Paving, &c. will, on or before Monday the 16th of November next, receive written tenders for the service of 70 draught horses, with harness and driver for each, under a contract of three years' duration, to commence and take effect on the 12th of December next; each horse to be capable of drawing a cart containing a load at least of 30 cwt. The employment of each and every such horse in the various works in charge of the Commissioners, as to time and manner, to be strictly subject to their direction, or that of their officers, and conformable to defined regulations for maintaining the rigid performance of the duties he undertaken, a full detail of which can be known on application in the office of the secretary in this House. The contract will provide that 30 of the said horses will be kept in the stables of the Commissioners, in Mary-street, and remainder in those of the contractor; and as constant employment will be given on each and every working day, and to a limited extent on Sundays, the tenders will signify the daily rate of hire for the service of each horse, with harness and driver.

"The tender to be sealed, and addressed to the Commissioners, endorsed 'Tender for Draught Horses,' and accompanied respectively by a letter from each of two responsible persons, undertaking to become joint security in the sum of 1,000*l.* for the due fulfilment of the conditions of the proposed contract, the cost of preparing which, and the instrumental security, will be borne by the contractor.

"The Commissioners will not regard the lowest tender as necessarily entitled to preference.

"Paving House, Dublin, }
25 Oct. 1845."

"By order of the Commissioners,

"J. Reilly, Secretary."

The contract, the expiration of which caused the advertisement, was to expire soon after that advertisement. It is not in witness's recollection at this moment what the usual notice is in cases of large contracts; it is certainly not five days only. Mr. Lacy had this contract for a series of years; supposes that in the case of the contract antecedent to this, it had nearly expired before advertisements were made for a new contract. This contract was for 70 horses, and as many more as might be necessary; does not know whether there was any limit for extra horses, cannot think that there were to be more than 10; but the contractor was bound to have them in readiness if required. There were five tenders put in, viz., (as Mr. Charles C. Farrell, Mr. Peter Farrell, Mr. Lacy, Mr. Lawler, and Mr. Baginval; and of these tenders were accepted. Mr. Lacy did not get the contract on that occasion.

Mr. Lacy addressed a letter to the Board, witness supposes in reply to a letter from them, which was the foundation of the present contract. It is the fact that the five tenders (including Baginval's for 4*s.* 6*d.*) were altogether rejected, and Lacy's agreement accepted, which was for 4*s.* 6*d.* for the first year, and 4*s.* 4*d.* for the second and third years. There were no advertisements after the one now read; Lacy got the contract without an advertisement. Is not aware that Lacy was made acquainted with the 4*s.* 6*d.* tender of Baginval. The tenders were not sent back to the parties; they remained in witness's office. Has not seen the four persons that put in tenders of the propriety of putting in further tenders.

Mr. Haywood. Is it not the fact, that, though the agreement with Mr. Lacy might be fair one, still competition was excluded?

Witness. Divesting the case of all other circumstances, it had that aspect.

Mr. Haywood. It appears to me that the Board having rejected all the tenders, communicated with one man, and entered into an agreement with him, without giving the others

the same chance of varying their offers. I am not saying whether that was right or wrong, but did it not do away with any benefit to arise from competition?

Witness. The advertisement announced that the lowest tender would not of necessity be accepted; from the experience the Board had of Mr. Lacy's competence, it was desirable that Mr. Lacy should have the contract. The Board did not expect any good result from further advertisements.

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The Board made a proposition to Mr. Lacy in the following letter:

"Sir,

"Paving House, 14 November 1845.

"The Commissioners for Paving having read and considered your letter of this day offering to treat for the service of 70 draught horses for the use of their works for a period of three years, at the hire specified therein, I am directed to acquaint you that the Commissioners (as the result of their subsequent conference with you upon the subject of your communication) are willing to retain the service of that number of horses, for a period of three years from this time, 80 of which will be kept in their stables, and the remainder in yours, on the following terms, viz.:

"1. That the hire for each horse, harness, and driver for each and every working day during the first year of that period shall be 4*s.* 6*d.* per day, and 4*s.* 4*d.* during the second and third years.

"2. That for each and every extra horse it may become necessary to employ during the whole term of three years the rate of hire shall be 5*s.* per day, and the like sum for every horse employed on Sundays, and for every horse sent out of the stables at night to draw water for the extinction of fires.

"In the event of a demand for extra horses in cases where the permanent number is found insufficient, the supervisor of works requiring the additional and will give one day's previous notice, and will afford employment for the number sought thereby during two successive days, and the same notice must be repeated should the service require a continuance of such aid for a longer period.

"In all other respects the regulations now in operation as a guide or rule for the fulfilment of your duty as contractor, and the obligation of the Commissioners towards you in that character, shall continue in force during the ensuing three years.

"Be so good as to notify in writing your determination upon this proposition.

"Mr. Patrick Lacy,
Hamilton Place,"

"I am, Sir,
Your obedient Servant,
(signed) "J. Reilly, Secretary."

There was no proposition made to the man whose tenders were under Mr. Lacy's. Cannot tell without referring to the minutes how often Mr. Lacy was with the Board in the interval between the rejection of the tenders and the agreement entered into with him. Reads entries of two occasions, and of none with respect to the others. The subject-matter, as appears by the minutes, was a new contract. Cannot tell without referring to the books what was the cost of those 70 or 80 horses; the treasurer can tell.

The contract for the carts is a different one from that for the horses. There was a contract entered into for supplying the Board with carts in 1843, which terminated in 1846.

Mr. Hayward. Are you required to proceed by advertisements in cases of contracts?

Witness. No. This contract expired on the 28th of September; the person who had the contract was to maintain the carts, and to supply new ones where any were so worn as to render new carts necessary. There are 47 gravel carts and 103 scavenging carts. The Board advertised for carts on the 27th of August, and the tenders were to be sent in on or before the 21st of September for maintaining these carts. It was not the same person that got this and the former contract; before this contract the late contractor had it for three years. Mr. Bennett got the new contract because his tender was the lowest. The carts were considered to be in a very defective state when given up by the late contractor, and counsel to the Board advised that they should be repaired, and that the expense of repair they would become a legitimate charge on the late contractor. No proceedings have been taken against this contractor. Under the advice of counsel we served him with a notice, announcing that an action would be brought. Part of the advice was that the carts should be first repaired, and then we should show the loss, and that it would be a charge against him. Suppose there will be no loss to the public in the case, the expense of repairing the carts being a charge against the contractor.

The Board entered into an agreement with several persons for repairing the carts, at the cost, witness thinks, of about 4*l.* each. The date of the last contract is the 28th of September. No steps have been taken since against the contractor, except the preparatory ones of getting the carts repaired. The carts have been repaired in the first instance at the public expense, with the intention of charging the expense on the late contractor. The sureties perhaps will not put the Board to the expense of an action; there is the possibility of an action. Should think the carts were a good while out of repair; should say they were not a year out of repair; complaints about them assumed a serious aspect from May last. The contractor has not been paid up to the day his contract expired; does not recollect how much of his funds are in their hands, understands about 150*l.*; and there is his security besides to meet the expense of the repairs; he has been paid all but the 138*l.* up to May last. The Board have got some of the carts repaired for less than 3*s.* 6*d.* The demand for them rendered it necessary that they should be given into the hands of several persons.

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persons to repair them. It is a fact that it is unknown what the cost of repairing all the carts will be, because they have not been all given out to be repaired. The complaints were made in May, and nothing was done until the month of August, except suspending the payment to the late contractor; there may have been money paid to him from May up to the time his contract expired, but it was as a payment up to May only; does not speak with positive certainty as to this without looking at their accounts. When the late contractor's accounts were furnished the supervisor refused to certify for him; is not aware that after that refusal any money was paid to him; it is a question relating to the accounts of the Board, over which witness had no control, except that of preventing all payments being made to him. The contractor himself is here, and admits he was not paid.

Mr. *Raydon* (the contractor), stated that a balance in respect of the months of June, July, and August was due to him, amounting to 133 £.

Witness. No money was paid to the contractor after it was found that he had not executed his contract. The particulars of these accounts are certified by the officer over him; this officer refused to certify, and they have not been paid up to the present time. Has no distinct recollection that complaints were made about the carts before. These accounts are submitted to the Board, and referred to the supervisor of works, and if the duty has been performed, he certifies the accounts, and an order is made for payment. The supervisor did not certify in any instance after he knew the contractor had not performed his contract. Witness has himself no knowledge of the fact, but draws the conclusion that when the supervisor ceased to certify, it was for neglect of duty.

Mr. *Hayward*. From the statement of the sort of repair these carts wanted, it evidently was not accidental; it was of that kind that a breach of the contract must have taken place long before this.

Witness. I am not cognizant of that.

The date of the advertisement for the lighting contract is the 20th April 1843; it is for a contract from the 5th October 1846; the contract is entered into for either 15 or 20 years, but not less. When about entering into that contract, the Commissioners found a difficulty in treating with the gas company, and they made a proposition to Government to the effect, that it would be desirable for them to construct gas works of their own, for the public lighting of Dublin by themselves, and also for them to have the privilege of making these works instrumental in supplying private consumers; and there was a calculation of the expense prepared by a competent engineer, and the Board on their communication to Government exhibited the probable pecuniary advantage that would result from these works. In consequence of that communication, there were Commissioners subsequently appointed by the Lord Lieutenant, to consider the proper mode of lighting the public lamps; this proposition was taken into consideration by that public body afterwards. The suggestion of the Commissioners was not adopted by the Government, and the Board treated with the Hibernian Gas Company for a contract. There is a very voluminous correspondence on the proceedings, from the advertisement to the completion of the contract. The contract itself is subject to a special agreement between the gas company and the Board.

It is the fact that this contract was entered into contrary to the recommendation of the Commissioners appointed by the Lord Lieutenant. The corporation sought for all the documents connected with the subject through the Government, and they got them. Witness was consulted as to what papers they should give them, and he recommended that every paper should be given. The Commissioners, particularly Mr. Smyth, adopted witness's view, and this collection, and a very scientific communication on the subject, were submitted to the Lord Lieutenant. The Government decidedly agreed in the propriety of entering into the contract.

Mr. *Hayward*. The Board had a scheme, they submitted it to the Government, the Government appointed Commissioners to report on it, and they reported against the scheme.

Witness. I am not prepared to say that; I rather apprehend they reported it was inexpedient at that time. The Lord Lieutenant did not adopt that report, and in fact it led to nothing.

Mr. *Hayward*. The point for us to see, is not whether in the conclusions the Board arrived at they exercised a wise discretion, but whether they did their best.

Witness. There was no other course for us to pursue; there was no gas company in Dublin but the one, competent to act. The Board did recommend to the Lord Lieutenant that there should be no contract; that recommendation was not adopted. The Commissioners appointed to inquire into the matter reported that it was inexpedient to adopt the contract, and witness heard the Lord Lieutenant was of a different opinion.

Mr. *O'Hea* handed in a letter, dated 16th July 1843, addressed by the Paving Board to Mr. Lucas, Under Secretary to the Lord Lieutenant.

Mr. *O'Hea*. My object is to show that this Paving Board entered into this contract for a period of 14 or 15 years, against their own opinions, by the direction of the Government of this country, and that the people who have to pay those taxes had no control whatever over them. Did not the Board disapprove of that contract?

Witness. They preferred their own plan of lighting the lamps, and, of course, disapproved of any contract, and no doubt, in despite of that, the contract was entered into.

Witness (to Mr. *Hayward*). In making this contract there was no official communication received from the Lord Lieutenant. It appeared to witness that they had received some communication, stating that it would be desirable to make this contract, and Mr. Porter

made

made a concession as to price and conditions. Independent of the influence of Government, the Board would have entered into the contract, because they had no alternative.

Mr. Hayward. There is a difference as to terms between the Paving Board, and the Hibernian Gas Company; that difficulty is got rid of by the interposition of high authority; then comes this contract, and I confess, that though there was an interference, it appears to have been a beneficial one.

Mr. O'Han. Is it not the fact, that you entered into that contract by the order of the Government?

Witness. I believe they influenced it, no doubt.

Mr. O'Han. What I want to get from this secretary is this, that virtually this contract was entered into by the Paving Board for 16 years, not on the opinion of the Board, but through the express command of the Government.

Mr. Hayward. Is that the fact, Mr. Reilly?

Witness. I can only say in general terms, that my impression is that the Government did influence the contract.

Mr. Hayward. The impression on my mind is, that the interference of the Government as to the contract was really beneficial.

Mr. O'Han. It comes to this, that this Board is subject to the direct control of the Castle. You said Mr. Porter was the manager of the Hibernian Gas Company. Is he not the brother of the Secretary to the Treasury at the other side?

Witness. I understand his brother is in the Board of Trade.

Mr. O'Han. Are you aware whether he interfered in getting this contract for the Hibernian Gas Company, or not?

Witness. I am not able to state that.

Mr. Hayward. Could you get a better contract than this, to your knowledge?

Witness. I don't think we could get so good a one.

Mr. O'Han. Tell me what is the amount of the last assessment on the city of Dublin, for 1846?

Witness. £37,303.

Mr. O'Han. What is the amount of taxation added to that?

Witness. The reimbursement of expenses put on the parties for watering the streets is 2,364*l.*; one is the assessment for prospective expenditure and the other for reimbursement. Since the Report of 1835 the staff of the Board is less; for instance, there is a reduction of six inspectors of nuisances; that duty was transferred to the police by Act of Parliament. Does not know what became of the persons who filled these offices; they were discharged without compensation.

Mr. O'Han. Now, tell me, have the Paving Board been lately engaged in any legal conflicts in court?

Witness. Yes; I believe Mr. Wrixon brought an action against them. Witness knows the long passage from Harcourt-street into Camden-street. The Paving Board insisted that was a public passage, and they threw down some obstructions of Mr. Wrixon; the place had been dedicated to the public for four or five years; does not say that up to that time it had been a public way; believes there was no right of passage through it for carriages.

Mr. O'Han. Was it not at the desire of the Dean of St. Patrick's, the Duke of Wellington's brother-in-law, that this obstruction was thrown down?

Witness. I am not really cognizant of the fact that it was done at the desire of the Dean of St. Patrick's; I do not know it.

Mr. O'Han. Don't you know it to be a fact, that when an action was brought, you struck without a trial?

Witness. Yes, under the advice of counsel.

Mr. O'Han. Did you not yield without putting forward a single witness?

Witness. Yes.

Mr. O'Han. Was the opinion of counsel taken before you threw down the barrier?

Witness. No; the Board was under the impression that it was their right to do so. Does not believe it to be the fact that any of the Board said it was most improper to throw down the barrier; on the contrary, the removal of the rubbish, for it could not be called a wall, took place on the report of one of the Commissioners, Mr. Kearney. Speaks of the period of 1845 and 1846; in 1845 Mr. Wrixon put up a barrier, and the Board took it down without consulting counsel; the Board summoned Mr. Wrixon before the police-office; he asserted a private right, and the police would not decide it.

Mr. O'Han. Was there not a road of Mr. Wrixon's paved?

Witness. No, there was a lane in the rear of Harcourt-street paved?

Mr. O'Han. Were you present at any personal communication of the Dean of St. Patrick's with the Board, or are you aware of any application having been made by him to them?

Witness. I am officially cognizant of a memorial from the Dean of St. Patrick's; I know nothing except what came before me in the official way to the Board.

Mr. O'Han. In the case of "Wrixon v. The Paving Board" there were two actions; one of these actions was brought by Mr. Wrixon, on the ground that a certain passage under his house was a private passage; he first put up some barrier, and the Paving Board took it on themselves to take it down; he brought his action, and they submitted. The second action was for this: he had a road in common between him and the Dean of St. Patrick's. The Dean applied to have this road paved, and to have the charge of paving it put on the

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various houses adjoining it; the Paving Board Commissioners are called on by Mr. Wrixon not to do any such thing; they proceed and do it, and assess a tax for the expense incurred on the house under the provisions of the Act.

Mr. Murphy. Under the Act of Parliament the Board have the power to pave any part of a street that is not paved, and to levy a tax for the expense. The Paving Board sent their collector to collect this rate; Mr. Wrixon refused to pay it, and he seized a silver spoon, and the other brought his action.

Mr. O'Hea. The Paving Board expended the public money on two proceedings, for which they had no shadow of justification; and, as I say, I will prove it was done to gratify a particular person that they paved the road, and assessed a tax which they had no right to assess, and they send in their collector and distrain this gentleman's property, and he brings his action.

Mr. Murphy. The collector seized a silver spoon of the value of 1*l.* 8*s.*, and their plea was justification.

Mr. Henderson. Their plea was the general issue; under the Act they were allowed to plead that plea, and give any special matter in evidence, but by a recent Act of Parliament the law was altered. They took advantage of that slip in pleading, and they got a verdict.

Mr. Potter. And Mr. O'Hea would not waive the Act and go into the merits.

Mr. Murphy. And you, who relied on a mere slip of the pleader, come forward now and make that very action a ground of complaint against a public Board.

Mr. O'Hea. I will show you that the public money was wasted.

Mr. Hayward. It is impossible for me to go into the merits of this action.

Mr. Murphy. This action was tried before the present Lord Chancellor, the late Chief Baron, who had been the former counsel to the corporation, and he would not allow them more than the value of the spoon.

Mr. Hayward. I think, with regard to that action, I can draw no inference one way or the other.

Mr. O'Hea. Except that they proceeded in this instance without the advice of counsel.

Mr. Henderson. I admit no case was submitted to counsel; there was a case submitted after the action had been brought. The question in that action was the right of way, and it depended on the question of user; and there was evidence that went a certain way to sustain a case of user; but considering the whole of the evidence, we thought the case of user could not be made out, and that it was better for the Board not to go to trial.

Mr. O'Hea. They went in and paved a man's road, the right of way being disputed. The public money cannot be wasted in this way without investigation.

Mr. Henderson. The paving of the lane and the removing of the obstruction were all one and the same transaction. There were witnesses, old men, as to a user of 20 years.

Mr. Potter (solicitor to the Paving Board) stated that Mr. Wrixon's bill of costs in one of the actions was for 116*l.* 5*s.* 10*d.*, and had been paid, and the costs of the other action were under taxation; they were about 60*l.* as sent in. Could not say exactly what his own costs were. There was very little expense gone to; they did not examine witnesses; he investigated the case before it was submitted to counsel. The costs of the two actions will not be anything like 400*l.* or 500*l.*

Cross-Examination of Mr. Reilly resumed.

The footway adjoining St. Patrick's Cathedral was covered with asphalt; Canon-street is partly covered with asphalt and partly flagged; the expense of putting down asphalt is not charged on the inhabitants, it is paid out of the public assessment. There was an application made to the Board to put asphalt outside St. Patrick's Church, by the Dean of St. Patrick's, and was complied with. Part of Canon-street is covered with asphalt, and part flagged; the expense of flagging is charged on the inhabitants; the expense of asphalt is paid for out of the general funds of the Board. Asphalt was put down in Mary-street; that was rather an experiment. It was not put down at Westland-row Chapel.

Mr. O'Hea. Near that asphalt in Canon-street, was there not flagging put outside the poor people's houses?

Witness. That had been done previously; the inhabitants were obliged to pay specially for that.

Mr. O'Hea. Are there not a dean and chapter to St. Patrick's Cathedral, and are they not very wealthy that got this asphalt put down?

Witness admitted that the asphalt had been put down at St. Patrick's Cathedral.

Mr. O'Hea. Westland-row Chapel is supported by voluntary contributions?

Witness stated that all churches were exempted from liability in respect of the paving rates; that the expense of the asphalt was about 3*s.* per square yard, and flagging 7*s.* per square yard. Witness was satisfied that if an application had been made to the Paving Board to put down asphalt before Westland-row Chapel, it would have been complied with.

Mr. William Tassie, sworn, and Examined by Mr. Murphy, q. c.

Witness knows Mr. Hayden, the late contractor for supplying the Paving Board with carts; cannot tell whether the carts were in a fit condition at the time the late contractor was removed.

removed from the contract. All witness can tell is, that whenever the carts were out of repair, he would not sign the contractor's bill; the carts were out of repair; they were unfit for use.

Mr. Murphy. How long before the expiration of the contract was that?

Witness. I do not know the date of the contract. Witness believes the payment of the balance due by the Board to the late contractor was stopped. Witness refused to certify for the contractor when his bill was furnished. Witness does not recollect whether he made any complaint to the contractor about the carts; there were complaints made to him several times; when he first commenced the contract, the carts went on very well; the carts were in a good state up to the time witness stopped signing the contractor's bills; does not know exactly whether that was the 1st of May or not. A scavenging cart may be very well one day, and broken down the next; the carts were made for the purpose of scavenging. We have a great deal to do, and we are not always examining the carts; as long as the carts do their work, we sign the contractor's bills; when we find a deficiency in the repair of the carts then we refuse to sign the bills. Witness refused to sign the bills the first time he found the carts deficient. The late contractor never got any indulgence from witness, that he is aware of.

Cross-examined by *Mr. O'Hea*.

Witness himself employed men for several days scraping and washing these carts previous to the day of inspection; did not make out a list of all the carts that were bad; a list might have been made out, but witness cannot remember that it was made out. The Board wanted carts for use, and witness inspected the old contractor's carts; the contractor had several of them in the yard; some of them were in repair, and some of them were not. The Board have carts on the north side; they were inspected, and no complaints made in respect of them.

Mr. O'Hea (to Mr. Reilly). Did you not state in your evidence that a great number of these carts were under repair?

Mr. Reilly. Some of the carts are, I believe, under repair. The carts that were sent to different persons to repair have been repaired.

Mr. O'Hea. Will not the cost of these amount to several hundred pounds?

Mr. Reilly. I think so.

Mr. O'Hea. Is it not the fact, that since this contractor was removed from the contract, the Board have to pay for the repairs done to the carts?

Mr. Reilly. The Board have paid for some of them.

Mr. John Mooney, sworn; and Examined by Mr. O'Hea.

Witness inspected *Mr. Haydon's* carts several times during the months of September and October last; remembers signing the documents produced, dated 28th September; it is one of the many memorandums witness was in the habit of passing to *Mr. Haydon* on taking carts out of his concerns. The duty of taking possession of the carts was delegated in a great degree to the assistant. The paper produced contains a list of the carts to be repaired by *Mr. Haydon*, and at the bottom of it witness finds the usual receipt which he was in the habit of giving him; considers that at the time he signed that paper the carts mentioned in it were fairly repaired at that day.

Cross-examined by *Mr. Murphy, Q. C.*

Mr. Murphy. Did you state to *Mr. O'Hara* that you had given *Haydon* this document?

Witness. I am not aware of having any communication with him in reference to that document.

Mr. Murphy. Did you tell him you had given this certificate as to the carts being in repair?

Witness. He must have known it.

Mr. Murphy. You are under *Mr. O'Hara*?

Witness. Yes.

Mr. Murphy. Did you state to him at any time that you had given this document to *Mr. Haydon*?

Witness. I cannot say yes, or the contrary.

Mr. William O'Hara, sworn; and Examined.

Witness stated that on the 28th September *Mr. Haydon's* contract had expired; that *Mr. Haydon* begged of the Board to give him a month to put the carts into repair; that witness ascertained that he could have them properly put in repair during that time; and the following undertaking was given by *Mr. Haydon* to the Board:—

"To the Commissioners of Paving, &c.

"Dublin, 30 September 1846.

"I undertake to complete the repairs of all the scavenging and gravel carts particularized in two lists lately furnished to me by your supervisors, and subject to the approval, on or before the 1st day of November next.

"Present,
Mathew Brett."

"Gentlemen,
"Your very humble Servant,
(signed) "*L. Haydon.*"

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Mr. *Hayward*. It appears, then, that the regular supervisor had given in a list of the carts requiring repair. On the 28th of September the deputy signed that document, stating that they had been put into repair, but it appears this was not the strict duty of that deputy; he does not appear to have had the authority of his superior officer to do that act, otherwise it would have been a very strong circumstance in favour of the man that he had put the carts into repair; but two days after comes this letter of the 30th September 1846, referring to a second list that had been lately furnished by the supervisor.

Mr. *O'Hea*. They don't refer to the same carts; here is a list of carts which the officer of the Paving Board has certified.

Mr. *Hayward*. I cannot allow you to use the word officer; call him by his proper name, deputy.

Mr. *O'Hea*. With great respect, he is the officer appointed for the purpose. (To Mr. *Measey*.) Are you not the officer of the Board?

Witness. Yes.

Mr. *O'Hea*. Was it not part of your duty, under that Board, to inspect those carts?

Witness. One of my most important duties.

Mr. *O'Hea*. Was it not one of your duties appointed by the Board?

Witness. Not specifically.

Mr. *O'Hea*. I think this is a clear case of malversation.

Mr. *Hayward*. I must go by steps, according to the facts; and first, I beg leave to give my opinion, as a lawyer, that a man who wrote a letter on the 30th September, undertaking to do certain repairs, cannot rely on a document signed the 28th of the same month, to show that these repairs had been done.

Mr. *O'Hea*. They do not refer to the same carts.

Mr. *Hayward*. This gentleman in his letter refers to carts particularized in two lists lately furnished to him by the supervisors; then he admits in this letter that the repairs pointed out as necessary to be done were not done on the 30th September; how can it then be contended that he was legally released from liability as to these carts? Here are the same numbers on both lists.

Mr. *Haydon* (the late contractor) came forward, and in explanation, stated that there had been two lists furnished to him on the 28th of September, by the two deputies, who were ordered by the supervisors to go and inspect the carts; one was the list of the North, and the other that of the South District, and they had been sent to him by the deputy supervisors.

Mr. *Hayward*. Why are the same numbers in this list and in that?

Mr. *Haydon*. This list was certified for me, after I had repaired the carts; that list was furnished to me of the carts I had then to repair.

John Measey. That memorandum contains a list which was furnished to Mr. *Haydon* of carts to be repaired, and it is signed by me. Mr. *Haydon* took a copy of it; and on the 1st November Mr. *Haydon* came to me with this list and the other list, to say he had the carts ready, and I signed that list on the 1st of November, and took away the carts.

Mr. *Hayward*. It comes to this; the two deputies had given lists of carts to be repaired, and on that list which one of the deputies had given on the 28th September, the same man certified, on the 1st November, that the carts had been repaired. A list is given in by the supervisors, and, on the 30th, this gentleman writes a letter admitting that those carts were not in repair; and the question of liability, as between him and his associates, narrows itself to this list; here is a distinct admission that on the 30th September there were 41 carts to be repaired.

Mr. *Potter* (the solicitor of the Paving Board) handed in the following memorial, which had been presented by the Dean of St. Patrick's to the Commissioners of Paving, and also the following extract from the minute-book of the Paving Board, in reference to this memorial:—

"TO the Honourable Board of Commissioners of Paving, Dublin.—21 November 1845.

"The Memorial of the Honourable the Dean of St. Patrick's,

"*Showeth*,

"That memorialist resides in Harcourt-street, No. 40; that to the said house there is a large stable-yard attached, at present belonging to himself, and those actually resident in his house; there are in the said yard four chariots, a britania, a gig, and a jaunting car, and seven horses, several of which are very valuable; but so bad is the state of the lane that leads to the stables and yard, that memorialist with difficulty can approach his premises, the ruts being so deep as to be dangerous when crowded with mud, even to saddle horses; memorialist, therefore, implores the aid of your Honourable Board."

"25 November 1845.—Minute on foregoing Memorial.

"Commissioners Smyth and Kearney, along with the secretary, having this day attended at the lane referred to, and, accompanied by the memorialist, inspected its condition, whose description thereof was found to be strictly accurate, the greater portion of the passage having never been formed or paved.

"Ordered, that the supervisor of works do submit an estimate of the expense of forming and paving the passage, together with the names of the persons chargeable therewith, omitting those before whose premises the space is already paved.

And

"And with regard to the future drainage of the lane, the supervisor of works will so arrange the levels as to provide for the flow of surface water, without the necessity of constructing a sewer."

"Upon the same occasion the parties named observed the obstruction of the passage called Camden-place, adjoining the lane in question, and referring therefore to the report of Commissioner Kearney, of the 20th October 1841, as noted on the minutes of that day, stating that Camden-place had been a public passage for many years, and that he was decidedly of opinion that the wall which then crossed a portion of it should be cleared away, and the passage left open, whereupon the obstruction was removed and the passage remained free until May last, when the inspector Mooney, by his report of the 10th of that month, stated that Mr. Wrixon, of No. 28, Harcourt-street, obstructed the passage with bars."

"Ordered, that the materials now obstructing the passage be removed, under the direction of the supervisor of works."

Mr. Potter also handed in the following letter from Mr. Shaw Mason, and extract from the minute-book of the Paving Board in reference to it:—

"Dear Sir,

"Camden-street, 13 October 1841.

"On communicating with several householders, inhabitants of this street and neighbourhood, I have been requested to draw your attention, and through you, that of the Commissioners of Paving, &c. to the state of the passage leading from this street, under the archway in Harcourt-street, and respectfully to request that the Commissioners would be pleased to adopt measures for making that passage more convenient to the public. The walls and building recently erected in it materially interfere with its improvement as a thoroughfare between the two streets; but the public might, it is conceived, be still very much accommodated, after the removal of the rubbish and other obstructions in it, by the formation of a convenient footway, of convenient breadth, that would extend through the archway into Harcourt-street."

"I have the honour to be, dear Sir, with great truth,

"Your faithful and obedient Servant,

"Richard Smyth, Esq."

"W. Shaw Mason."

"And Mr. Kearney having examined the place and reported as follows; viz.—

"I have viewed the passage within mentioned, which has been a public one for many years, and am decidedly of opinion that the wall which crosses a portion of it, and is now nearly level to the ground, should be cleared away, and the passage left open. I spoke to several of the occupiers of premises in the neighbourhood, who are anxious for the removal of the wall, as it causes every description of nuisance to be committed. There is a lamp in the passage.—H. K. 20 October 1841."

"Ordered, that the wall be removed and the passage repaired."

Mr. O'Hea. Put your Commissioner (Mr. Smyth, one of the Commissioners of the Paving Board) now on his oath, and we will cross-examine him.

Mr. Murphy. I say you have failed in your case. The dean takes the ordinary course of presenting a memorial to the Board, and you charge this to have been a corrupt transaction, because he happened to be the Dean of St. Patrick's.

Mr. Reynolds. This was a private stable lane, and the paving of it cost the citizens of Dublin 300*l*.

Mr. Haynard. Where did this lane lead to?

Mr. Potter. It is a great thoroughfare to Camden-street from Harcourt-street.

Mr. Haynard. I ask about the stable lane.

Mr. Potter. It leads to all the stables touching on it; to at least 10 or 12 stables of houses in Harcourt-street.

Mr. Reynolds (to Mr. Haynard.) We call on you in the discharge of your duty to visit that place before you leave town.

Mr. Potter. We will show you that all the stable lanes are in our charge.

Mr. Murphy. Under the Act of Parliament the Commissioners are bound to keep stable lanes in repair when called on to do so by the proper parties. Here is a stable lane into which several stables open, and at the end of it is the Dean of St. Patrick's stables; he presents a memorial to the Commissioners, calling on them to do what the Act bound them to do; the memorial is submitted to the Board; they do what they are required to do by the Act; they report the condition they found the lane in, and they take the next step, namely, to order the work to be executed. The work is executed; the paving is completed, and that being done, the next step was to recover the expense; the mode of doing that was, by levying a tax on the persons benefited by the paving of the lane. Mr. O'Hea has endeavoured to give colour to this transaction, because the Dean of St. Patrick's is a dean and a connexion of the Duke of Wellington.

Mr. O'Hea. I should be glad my learned friend would show me the Act of Parliament he has mentioned.

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Mr. Ford. What I allege is this, that Mr. Smyth did for the dam what he would not do for others.

Mr. O'Han again stated, if they would put the Commissioner of the Paving Board into the box he would cross-examine him.

Mr. Heywood. Having read the provision of the Act of Parliament on the subject referred to by Mr. Murphy, said, the question was, whether in this instance the Paving Board had exercised a sound discretion or not, and that the fact of the lane leading to the Dean of St. Patrick's stables did not show that it exclusively belonged to him.

Mr. Smyth (the Commissioner of the Paving Board alluded to) came forward and addressed the Commissioners in reference to the imputations that had been cast on the Paving Board respecting this transaction, when

Mr. Heywood said, I do not think that anything has been proved that can leave any imputation on you. I must say that nothing has come before me to lead me to think that the Paving Board have not exercised an honest discretion.

Mr. Smyth. I am only desirous of saying, that if it comes within the range of your inquiry here, I should be exceedingly glad to submit to a cross-examination.

Mr. Heywood. If it were said that there was any specific fact solely within the knowledge of the Commissioners, it might be proper to examine you, but I think we can get everything we require from your officers.

Mr. Murphy said this attempt had been made over and over again, and had failed in success, and they had here the Commissioner stating that, as to Mr. Smyth and all the Board, not a single imputation rested on them.

Mr. Heywood. I must say that there appears to me to be much less abuse of what is called the corrupt sort than one would have expected to find in so large a city as this; and I speak not of the Paving Board only, but of the corporation also.

Mr. Reynolds. I am very sorry that I for one cannot agree with you.

Mr. Heywood. The whole will appear on documents which nobody can dispute.

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Mr. William Tossie, Re-examined.

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Witness is supervisor of the north side of Dublin. In answer to the question as to what sewerage has been made by the Paving Board from time to time, on the north side of the city, witness produces a map, coloured blue, red, and yellow, and states that the blue marks denote the large sewers wanted at the present time, and the red the large sewers which have been made by the Board; these marked yellow are the small sewers now required.

[This map was minutely inspected by the Commissioners, who occupied some time in having it explained to them.]

Mr. Heywood. Do you mean to say that there are no existing sewers except those marked red?

Witness. None, except a few small ones not worth mentioning, and they are not public sewers at all; the size of the small sewers is two feet wide and three feet high; some of them are not so large; the small sewers lead into the main sewers. Before 1807, the time when the Board came into office, there were no main sewers on the north side of Dublin worth anything, but one in Lower Dominick-street. Every thing on the map has been completed since 1807. The largest of the old sewers in 1807 were about three feet high and two feet wide; the shape of them was square; the new ones are all square at the bottom except one sewer, which is oval, and which was found to be too expensive in construction for general use; calls every sewer that goes down a street a main sewer. The Paving Board make private sewers for houses, and they make them 18 inches square. They have public main sewers, and if any party wants a sewer to conduct into the main sewers, the Board take the making of it themselves, and when they do, they make it 18 inches square; and that is the uniform size of them; finds these sewers effective, and never heard any complaint about them. Never tried the oval-bottomed sewer except in one instance, on the south side of Mountjoy-square; that one has been completely successful; should say it is the best shape for a sewer, only for the expense of making it. (Witness refers to the map, and points out to the Commissioners several sewers marked on it, and informs them as to the extent of the different falls.) Finds the refuse sticks in the square-bottomed sewers. There is a sewer in Sackville-street, and thinks it is 10 years since it was cleaned; there is not much fall from it. The fall on the north side is, generally speaking, towards the river. The sewers would work better if they had water; thinks it would be very beneficial if they had the command of water; the water might take away some of the stuff from the sewer in Sackville-street, but not all, because there is a bad level there; there is a want of fall in Sackville-street, and it occasions the stuff to lie at the bottom of the sewer. The sewer in Sackville-street has not been cleaned for 10 years, because there were no complaints made about

about it; is sure there are a couple of feet of stuff in this sewer. Unless there is a general complaint from the inhabitants, the Board do not clean the sewers. (*Hands in a paper to the Commissioners, setting forth Witness's regular duty.*) This paper was drawn up by witness at the request of the Commissioners of the Paving Board; there are a great many things witness has to do which are not mentioned in this paper at all.

Mr. Heywood. I see nothing in this paper about looking after the sewers to see whether they are in order or not.

Witness. We are not in the habit of examining them except where a complaint is made; we often examine them, but they are not thoroughly cleaned out except where complaints are made.

Mr. Hayward. Do you mean, that if you examine them and find them foul, you do not clean them except a complaint has been made?

Witness. No, we do not. Does not recollect when the sewer in Sackville-street was examined last; it has certainly been examined within the last 10 years; cannot state the time when it was examined; it has not been examined, that witness knows of, within the last year; cannot say whether it has been examined within the last two years. Witness made a plan for a main sewer on each side of the River Liffey in June 1839; made also an estimate of the expense of making it; has no section of his plan beyond the one produced; the sewers are only intended to go to Carlisle Bridge.

Cross-examined by *Mr. Ford*, in the absence of the Counsel for the Promoters.

It is 40 years since witness built a very efficient sewer in Mountjoy-square; the fall down Gardiner's-place is not the same as in Mountjoy-square.

Mr. Ford asked if the Commissioners of the Paving Board had taken any steps to make perfect sewers in the neighbourhood of Gardiner's-place and Rutland-square since the sewer in Mountjoy-square was made?

Witness. There are perfect sewers there already; there is a sewer in Gardiner's-place which the Board put down; that sewer has no inverted arch; has not latterly inspected the sewers down Gardiner's-place and Cavendish-row; they have not been cleaned out those many years. There are no sewers on the side of the city where the slaughter-houses are situated, about Cole's-lane; believes that all the slaughter-houses of the great markets are situated in that neighbourhood; there is a sewer in Boot-lane.

Mr. Hayward. Where does that discharge itself?

Witness. Into the sewer that runs into the Liffey; the size of the one in Boot-lane is three feet wide and four feet high; it is an arch-bred sewer.

Mr. Hayward. Are there more than two sizes of sewers?

Witness. Generally not; there may be some; Moore-street sewer empties itself into Britain-street.

Mr. Reilly stated, that when Britain-street sewer was made, there had been no sewer in Sackville-street.

Mr. Hayward. What is your age, Mr. Tassie?

Witness. About 73.

(To *Mr. Bramington*.) The sewer in Mountjoy-square cost 10*l.* a perch; it could be made now for about 9*l.* a perch.

Witness (to *Mr. Ford*.) When opening a street for the purpose of communicating with a main sewer, the Paving Board make the inhabitants deposit so much money to meet the expense attending it; they then do the work, and charge them for it. Does not know whether the Commissioners ever inquired what the charge for this kind of work was in London.

Mr. Reilly. I should think the average expense of making a communication between a house and the main sewer is about 8*l.*; it is not charged for by the square yard; it is the actual expense of opening into the street that is charged for; there is an estimate made, and every question of that kind is referred to the supervisor.

Mr. William O'Hara, Supervisor of the Southern District of Dublin, Examined by *Mr. Hayward*.

Witness has been 11 years in office. The sewerage in the South District is very imperfect it is entirely from the want of money that it is so. Has thought of making sewers along the quay instead of letting the present sewers empty themselves into the Liffey; never made a plan, but made an estimate of them; estimated the expense at about 11,885*l.*; these sewers would extend from Bloddy Bridge to Carlisle-lane or Great Clarence-street; made that estimate the 2d November 1846. The Commissioners of the Paving Board called on witness to make an estimate of the expense of putting sewers in streets where there are none at present. The class of sewers for which witness made the estimate was main trunk about 9 feet wide and the same in height, including the inverted arch; estimated the expense of making that at 15*l.* an English perch; thinks that sum would be enough. The great complaint for many years has been on account of the number of small sluice-gates that discharge themselves, not into the bed, but at the sides, of the River Liffey; all these sluice-gates should be done away with, according to witness's plan, and brought into one main trunk; this would be a decisive and effective improvement, and witness sees no difficulty in this scheme. Witness does not contemplate reservoirs in his plan, but does a sluice-gate; would not take

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in the Poddle River; there is a very great power in it, and it would discharge itself into the middle of the Liffey, and would not be so offensive as it is at present; does not contemplate doing away with that. The Poddle is a mountain stream; would leave it alone, and let it go into the Liffey, as it does at present. The Poddle does not do harm, but good; a great many sewers empty themselves into the Poddle, but they are carried by it into the middle of the Liffey. Many of the sewers are so defective that the people are calling on the Board to have them made deeper; the old sewers are constantly falling out of repair; the Paving Board receive a great number of complaints about them; the levels of some of the streets are very imperfect, and the sewers are not deep enough; with regard to witness's district, and the general lie of the ground in it, supposing the Paving Board had an unlimited fund at command, a general system of sewerage could be established; no city is more capable of being improved by a general system of sewerage than Dublin; thinks a good flushed sewer would be a very great advantage to the citizens of Dublin. Water-closets are not general in the houses of the humbler classes, nor are common privies in them; and in some places the manure is thrown into the roads and streets. If the Paving Board had the command of water they might use it for sewerage with great effect; they have the command of water, but pay very high for it. Flushing means simply letting in the water without any forcing process; from the capabilities which Dublin affords a good system of that sort could be made. In some situations in Dublin the private sewers are constructed on very low levels in regard to the main sewers, and witness thinks the flushed water would get into the houses. The builders of Dublin first build their houses, then they call on the Paving Board to make small drains from them into the main sewer. The builders go sometimes too low in building their houses; they should call on the Paving Board to build the sewers first, and then build their houses according to their level.

Mr. Hayward. From the bad system of sewerage, the expediency of flushing is at this moment a doubtful question?

Witness replied that it was, and that he would try a small quantity of water first in flushing, in order to see the effect of it. When sewers get foul the Board generally examines them, and witness keeps a record of their condition. There is one great disadvantage with regard to the old sewers, that they are not constructed with man-holes, so as to get into them; they examine the sewers whenever there is occasion to break them open. The risk is carried off through grates into the main sewers, and it has in this way something of a flushing power. Cleaning the main sewers is a private charge on the inhabitants of the streets, and that is one reason for the reluctance on the part of the inhabitants in complaining of them when foul, and things must come to a very bad state before any one will complain; though three or four of the inhabitants may complain, they find that their neighbours oppose them, because they should be charged for the expense attending the cleaning of them.

Mr. Reilly, in answer to Mr. Ford, stated that the Paving Board had the power of examining and cleaning the public sewers, and assessing the expense on the inhabitants.

Mr. Ford. If you made a sewer like the one in Mountjoy-square, there would be no necessity to charge for cleaning it.

Witness. That has a very rapid fall.

Mr. John Doyle, sworn, and Examined by Mr. O'Her.

Witness collects the police tax in Irwin-street; has been collecting there the last two half years. Was always paid by Mr. Healy the tax imposed on him in respect of his house in Irwin-street; was in Irwin-street on the present collection. Witness was paid by Mr. Healy at his house at Bow Bridge, immediately adjoining Irwin-street. Witness never had occasion to go to the house spoken of in Irwin-street; never applies for payment of the tax at it. Mr. Healy appears to witness to be a solvent man.

Mr. Arthur Francis, sworn, and Examined.

Witness collects taxes for his father. Collects in Irwin-street, near Mr. Healy's house. Mr. Healy is a Poor-law Guardian; knows all Mr. Healy's houses in that neighbourhood. Witness was in his house in Irwin-street on the 29th January 1843. It is No. 16 in the street, and is inhabited mostly by pensioners.

Mr. John Doyle, Re-examined.

As to Mr. Shannon's Premises, situated in Commons-lane:

Witness stated that this tenement was only a small yard, and that his charge for the police tax on it was only 9d.

As to Premises numbered 12 in James-street (Ormsby's):

Witness stated that the police tax had been paid for these premises, except the present gale.

As to Francis Tufts's Premises, situate in Bar-lane:

Witness stated that these premises consisted of small miserable cabins, and that they were probably empty.

As

As to 20, James's-street:

Witness states that the police tax for these premises was paid to 20th of August last.

As to Gibbon's Holding, in Watling-street:

Witness states that the premises mentioned are not now standing; they have been pulled down by Lord Palmerston; the police tax in respect of them was paid to witness the day the premises were sold by auction.

Mr. Eliza Smith, Grand Jury Cess Collector, sworn, and Examined.

With reference to Mr. Henly, who was returned by the grand jury cess-collector as insolvent, witness states that from the length of time that has elapsed since the return was made, it is impossible for him to change his memory as to this particular point. Witness's attention being called to the statement which was made in respect of Gibbon's holding, in Watling-street, states that there are times when property is to be found on these premises; that the owner of these premises is a dealer in cows; and if he happen not to have property on the premises at the time the grand jury collector goes there for payment of the tax, the collector is bound, when closing his accounts, to return him insolvent. Witness has occasionally employed a deputy, when he was confined to his bed, to collect the tax; and it was the practice of him and his deputy to go to the house of every man in arrear, and see if there were any property on the premises before he was returned insolvent; and it would be their own loss not to do so, because they have a poundage on the sum collected. With respect to Gibbon's case, and comparing the collection of the police tax with that of the grand jury cess, witness states that the collectors of the police tax keep up two years' arrears, while the collectors of the grand jury cess must close their accounts every half year. The collectors cannot be everywhere at the same time; there may be property at a place to day, and it may be away to-morrow.

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David Henry Steward, Esq., sworn, and Examined by Mr. George, Q. C.

Witness is secretary to the Wide Street Board; his appointment to that office, which is dated in 1806, was jointly with his father; has been in office since 1808; holds also the office of surveyor and general officer of the Board, and of late years has been accountant. The business of the Wide Street Commissioners is transacted entirely in witness's office, in Upper Dorset-street. His salary as secretary is 200 l. Irish a year, including 25 l. Irish for office rent, and 10 l. Irish for a messenger. Witness is allowed 210 l. a year in addition as surveyor. It is his duty, with the sanction of the Commissioners, to lay out the different improvements contemplated to be carried out by them. Witness has emoluments besides: there is about 40 l. 3 s. 1 d. a year paid to him by the grand jury for extra duty, under the 47 Geo. 3.; there is a per-centage paid him on the collection of the Wide Street rents and sales; when ground rents are sold there are certain fees paid to witness. The 40 l. 3 s. 1 d. paid him by the grand jury is not in any way out of the Wide Street funds; that is under the 47 Geo. 3. whereby quite a different duty was imposed on him. The Wide Street tax is collected by the grand jury collectors; they collect at the same time and on the same docket the grand jury cess and the Wide Street tax; five per cent. is the allowance to the collectors of the grand jury cess and the Wide Street tax, but they are independent for each. There are no other paid officers of the Wide Street Board. The solicitor is only paid his taxed costs; the costs of the solicitor are always taxed; a very large proportion of these costs arise from sums paid for stamp duty.

Mr. Ford. What we complain of is, that, from the constitution of the Board, they are obliged to go so often to Parliament, and we have put a clause in our Bill to remedy that. What is the per-centage on the receipt of rents?

Witness. Five per cent. amounting in the last year to or about 20 l.

Mr. George here read the following list of the present Commissioners of Wide Streets:

The Right honourable the Lord Mayor,
The City of Dublin Representatives,
The County of Dublin Representatives, } For the time being.

Isaac M. D'Olier, esq.
Richard Cane, esq.
Thomas Crosthwaite, esq.
T. R. Needham, esq.
William Eddington, esq.
Lieut.-col. Shaw.
Sir Thomas Esmonde, bart.
James Chambers, esq.
George Carr, esq.
George Rot, esq.

Jonathan S. Cooper, esq.
John M'Donnell, esq.
Isaac Crosthwaite, esq.
Thomas Willson, esq.
Walter Sweetman, esq.
Alderman Sir John Power, bart.
The Provost of Trinity College.
James Perry, esq.
John Ennis, esq.
Lieut.-col. H. D. Jones.

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Mr. Hayward. I believe it is admitted that these gentlemen fairly represent the property and intelligence of the city.

Witness. There are several Roman-catholic gentlemen of first-rate respectability on that list.

Mr. Ford. There are six Roman-catholics, one Quaker, and the rest are Protestants.

Mr. George. I believe it is not disputed, that, according to their number, every creed is represented; and as to politics, they are not appointed in reference to them.

Witness. The Board-day is Wednesday, and when any measure is contemplated, it is specially set forth in the summons, and the members are summoned for the occasion. Think the two most important improvements lately made by the Board are Nassau-street, and Grafton-street.

Mr. George handed in to the Commissioners lists of the attendances of the Commissioners of Wide Streets, in reference to the improvement of Grafton-street and Nassau-street. (See Report, p. xiii.)

Mr. George next called the attention of the Commissioners to a document (a printed book), showing what the Wide Streets did with their funds, from the year 1757 down to the year 1802.

Mr. George next handed in a list of improvements contemplated by the Wide Street Board, but which, from the limited time allowed for their completion by the Act of Parliament, could not be effected.

Improvements set forth in Act of 47 Geo. 3, all completed.

Improvements set forth in Act of 57 Geo. 3, like; save Mitre-alley.

Improvements set forth in Act of 11 Geo. 3, like; save the removal of four houses in Dame-street, lying between Temple-lane and Eastace-street; the removal of the houses on the south side of Lower Kevin-street, and nine houses on the north side; the opening of Mitre-alley, which was again introduced into this Act; the opening of a passage from Thomas-street to the Four Courts Marshalsea, and the taking down a house at the corner of Townsend-street and Sandwith-street.

Improvements set forth in Act 1 Vict., like; save the four houses above-mentioned in Dame-street; the widening of Church-street to Pill-lane; the widening of Upper Kevin-street and Lower Kevin-street, and Bride-street; the opening of Mitre-alley, Townsend-street, and Sandwith-street, Lower Merion-street, and Park-street, Townsend-street to the City-quay, Silver-street and Peabroke-quay, West Liffy-street to Barrack-street, Barrack-street to Arbour-hill, and opening a street from the Four Courts to the King's Lane.

Witness is aware of the schedule to the last Act of Parliament; it contains a schedule of six improvements. It is the habit of the Wide Street Commissioners to include in a Bill the improvements that they think can fairly be carried out within the usual time given by Parliament for doing works. The Parliament have placed the Wide Street Bills on the same footing as a Railway Bill, in respect of the time allowed for completing works, which is four years.

Mr. George. Several attempts have been made to bring in a Bill without this limitation clause. The Act of the 1st Vict. passed the House of Commons without any limitation clause, and when it came to the House of Lords, Lord Shaftesbury peremptorily refused to allow it to pass, except on the terms of a common Railway Bill.

Witness. Memorials from the inhabitants of different parts of the city are frequently laid before the Commissioners of Wide Streets, calling on them to undertake improvements. They are fully considered by the Board, and if approved of, they insert in any proposed Bill the most eligible, or any that are likely to be done within the time allowed by Parliament. When the Act of Parliament is obtained, sanctioning all or some of these intended improvements, several of them are brought under the consideration of the Commissioners, and they select out of the schedule some of them, and refer these to the Lord Lieutenant for his sanction. This being done, they give notice to the public of the intended improvements, and impanel a jury for the valuation of the property required for the purposes. They have the power, if they think fit, to reject the valuation of those juries. There was an instance in the case of the improvement of Grafton-street of the Commissioners rejecting the valuation of the jury, and the consequence was, that the claimants afterwards proposed to make an abatement of 15 per cent. on the several findings of the jury; they did so, and an inquiry was taken on a reduced scale. Assuming the inquiries to be approved of, the course then to be taken is to bring them before the grand jury for presentment. The inquiries are certified by these Commissioners, and by their secretary, and the judge directs the grand jury to make the usual presentment. By the late Act, the district on which the tax was levied has been extended to the borough of the city of Dublin.

Prior to the last Act of Parliament the extent of the poundage was 3 d. in the pound on the valuation for the police; the assessment used to be on the watch tax, and that was at 1 s. in the pound on the valuation for the watch tax. The sum collected has been nearly the same, but it was levied on an extended district. The amount levied last year was 7,326 £ 10 s. 9 d. The following return was here handed in to the Commissioners. (See Report, p. xlii.)

Mr. George. I see an item of 23,763 £ 12 s. at three per cent.; will you explain how that debt originated?

Witness.

Witness. That debt to the Government was created in this manner: under the 47th Geo. 3, the Commissioners were empowered to borrow money at six per cent.; there were very large improvements effected at Sikes-row, Corn Market, and other places; at the time to meet the expense of which, the Commissioners gave mortgages at six per cent., and finding this rate of interest bearing heavily upon them, they memorialised the Government for a loan to enable them to pay off these mortgages. They got a loan from the Government at three per cent., and they have been paying off that loan and other debts by instalments of 1,000 l. a year.

Mr. George. Have you a return, showing the state of the coal trade?

The following return was then given in evidence.—(See Report, p. xiii.)

Mr. George. To what purpose do you understand the remnant of the coal duty to be now applied?

Witness. To paying the expenses of the establishment.

Mr. George. It has been stated that this Board is not an accountable body.

Witness. There is a return made every year of the state of the Coal Duty Fund to the Commissioners of Audit, London. Accounts are furnished of the Wide Street Tax, half-yearly, to the grand jury on witness's affidavit. They are examined by the Commissioners most minutely, and signed by them, having been previously prepared, sworn to, and vouched by witness. They are then laid before the grand jury twice every year, at Easter and Michaelmas. Witness has nothing whatever to do with the collection of the Wide Street Tax from the parties who pay it. The grand jury collectors are empowered under the Act to collect it in like manner as the grand jury cess, and to lodge the money every week to the credit of the Wide Street Commissioners.

Returns were then handed in, in evidence, of the Receipt and Expenditure of the Commissioners of Wide Streets, from the year 1835 to the year 1845, both inclusive, for the Wide Street Tax Account, and also for the Coal Duty Account; likewise the following Return.—(See Report.)

Return of the Number and Description of the Persons employed by or under the Commissioners, together with the Amount of Salary or other Allowances paid to every such Person or Officer when exceeding 50 l. in the year.—(See Report, p. xiv.)

Mr. George. I wish to know whether there was an estimate made of the expense of the improvements included in the Schedule of the last Bill brought into Parliament?

Witness. Yes; the amount of the entire was 31,000 l. It was never contemplated, as stated in this room, that they would cost 100,000 l.

Mr. Heywood. Where was that stated?

Mr. George. It was stated here by Mr. Reynolds that they were going to tax the citizens to the amount of 100,000 l. I would call your attention to the observation of Mr. Smith on the Wide Street Bill.

Cross-examined by Mr. Ford, in the absence of the Counsel for the Promoters.

Mr. Ford. You have given us the attendances of the Board after the Bill was passed, will you inform us of the attendances of the Board before the Act of Parliament was prepared?

Witness read from page 126 of the Minutes of the Board of Wide Streets an entry of the attendances on the 1st of October 1845, in reference to the extension of the Act of Victoria, and also the attendance on the 2nd October 1845. The Parliamentary notice must be given during the month of November. The County Members are *ex officio* members of the Wide Street Board, and they do not attend very frequently. Witness had a very large attendance of the Board when an assessor was to be appointed. The person appointed was Mr. Blackburne; he was not then Attorney-general. Their meetings are held at the hour of two o'clock. Is not aware of the hours of Mr. Cooper's attendance on his duties at the Stamp-office. Mr. Cooper does not very frequently attend their Board. Witness believes Mr. Cooper has been exceedingly ill, and that his life was despaired of. A sum was borrowed at five per cent. from the National Insurance Office in 1842. Cannot tell how many of the Commissioners of the Board of Wide Streets are directors of the National Insurance Company. They borrowed 25,000 l. at five per cent. from that Company; that was 15 or 16 years after they had borrowed the money from Government. Mr. Richard Cane is one of the attending members; Mr. John McDonnell is another; Mr. George Roe, a third; Mr. Thomas Wilson the fourth.

Mr. Ford. I don't impute anything, but I object to the Government putting members of different Boards on the Wide Street Board, so that they should be placed in a situation in which they might be lenders and borrowers. There were no public announcements in the newspapers that the Board wanted this loan.

Mr. Heywood. The essence of all this is, whether five per cent. was a fair rate of interest at the time or not.

Mr. Ford. I am only putting the facts. I am not imputing anything to these gentlemen.

Mr. George. There is not a man that hears you that does not believe you are supputing something to them. As these questions have been asked, he witness requests permission to give an explanation.

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Witness handed in the following statement, which he said he had been directed by the Wide Street Commissioners to prepare, in consequence of an allegation that had been made in the City Assembly House, to the same effect as was then reiterated by Mr. Ford:—

"Loan National Insurance Company."

"Pursuant to order of the Board, I beg to submit the following statement of the facts connected with the loan of 25,000*l.* from the National Insurance Company.

"On 25th March 1840 the officers were directed to draw up a statement of facts of the available funds of the Board, and ascertain what amount must necessarily be borrowed for the improvement of Grafton-street, and what probability there might be of obtaining the amount on mortgage of ground, and other means at the disposition of the Board.

"On 2d April following such statement was accordingly laid before the Board, and a copy ordered to be furnished to the directors of the National Insurance Company, with a view of obtaining the necessary loan, 25,000*l.* To which an answer was received, that the loan required would be advanced by the Company on the security detailed, at an interest of six per cent. per annum; which was declined.

"A similar application was made to the directors of the Atlas Insurance Company, who replied, 'That the Company would make no advance by way of loan, except upon Government security.'

"On the 20th December 1840 I was ordered to make application to the Commissioners of Public Works, and submit for their consideration a statement of the security the Board were enabled to offer, with the view of ascertaining what amount they would advance on the security proposed, and at what rate of interest.

"On 27th January 1841 an answer was received, stating it would be impossible to recommend more than 10,000*l.*, however good the security might be considered; but could not even promise that, on account of arrangements then pending.

"By order of the 16th February 1842, I made application to the Bank of Ireland for a loan of 15,000*l.*, to enable the Board to discharge the awards of claimants in Grafton-street, who were pressing for payment; as also to proceed with the improvements of Nassau-street, which was declined.

"On 26th April 1842 I was directed to address a letter to the National Insurance Company, requesting a loan of 25,000*l.*, to enable the Board to proceed with the improvement of Nassau-street, at an interest of five per cent., and a liquidation payment of 1,000*l.* per annum, to be increased according to the means of the Board.

"The Company agreed to advance the sum required on the terms proposed.

"And on 18th May 1842 the deed of mortgage was signed, and the 25,000*l.* received and lodged in Bank.

"On the 6th December 1843 an application was ordered to be made to the Bank of Ireland for a sum of 11,000*l.* on loan, at an interest of five per cent. per annum, and an annual liquidation of 1,000*l.*, for the purpose of completing the improvement of Grafton-street.

"By letter, dated 13th December 1843, the Bank agreed to advance the sum required.

"On 13th February 1844 the deed of mortgage for said loan of 11,000*l.* was signed.

"14 December 1846."

"David Henry Sherrard."

Witness also called the attention of the Commissioners to the following extract from the minutes of the Board of Wide Streets:—

"Commercial Buildings, Board Room, 12 November 1845.

"Present:—James Perry, in the chair; John McDonnell; William Edington; Lieutenant Shaw; Jonathan Sisson Cooper; Leland Crosthwaite; Thomas Crosthwaite.

"Read letter, of which the following is a copy:

"Sir,
"Royal Engineers' Office, 64, Pall-mall,
London, 25 October 1845.

"In consequence of my removal to this office, it has become necessary that I should resign my appointment of Commissioner of Wide Streets, Dublin, of which I have already given intimation to the chief secretary.

"In separating myself from a commission, with which I have acted for some years, I beg that you will be good enough to express to the Board my deep sense of the kind consideration I always met with from every member, and to assure them that I feel much regret at dissolving an official connexion with a body of such honourable, intelligent gentlemen, who, as far as my observations enable me to judge, have uniformly acted with zeal and strict justice towards the public interests in carrying on duties frequently of an arduous character, with which they had voluntarily and without remuneration charged themselves.

"At the same time I beg to thank you individually for your ready attention at all times to any desire I expressed, and to congratulate the Board on having so active and efficient a secretary.

"I have the honour to be, Sir,

"David Henry Sherrard, Esq.
Secretary to the Wide Street Board."

"Your most obedient Servant,

"John F. Burgeyne."

Witness. Is sure that, by referring to his books, he could give the names of the members of the Board who directed him to apply to the National Insurance Company. (*Witness having referred to the Minute-book, read from it the following entry:*)

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* Wide Streets, Dublin, Commercial Buildings Board Room, 20 April 1847.

* Present:—George Carr, esq. in the chair; William Edington, esq.; Major-general Sir John F. Burgoyne; Leland Croodwhite, esq.; Walter Sweetman, esq.; William Peter Lund, esq.; Alderman George Roe; John Mc'Donnell, esq.

* IMPROVEMENT OF NASSAU STREET.

"Ordered, that Mr. Sherrard do address a letter to the secretary of the National Insurance Company, requesting from that company a loan of 25,000 £, to enable the Board to proceed with the improvement of Nassau-street, at an interest of 5 £ per cent, and a liquidation payment of 1,000 £ per annum, to be increased according to the means of the Board; due notice to be given of each instalment, and that Mr. Sherrard do furnish a statement, to accompany such letter, of the particulars of the security which the Board are enabled to offer for such loan."

Mr. Ford. Now, sir, Mr. George Carr happened to be governor of the Bank of Ireland. *Mr. Haywood.* The question now before us is as to the loan from the National Insurance Company; that respecting the Bank of Ireland was about two years afterwards.

Witness. There are other banks here, but of his own knowledge knows nothing about their being able to lend money. Heard that the Hibernian Bank lent a very large sum of money to the corporation; but that the corporation at the same time tied up their hands for ten years not to pay any portion of it back, and further, that they gave a bonus of 1,200 £ for it.

Mr. Haywood asked if this were so. *Mr. Ford* stated that they were not to reduce the interest for four years, and that debentures had been issued by the corporation in respect of the loan.

Witness. Mr. Williams is notary to the Bank of Ireland. The committee do not meet in witness's office; they meet at the Commercial Buildings. The Wide Street Office is at 28, Upper Dorset-street. The Wide Street Board-room is in the Commercial Buildings.

Mr. Ford. Now, sir, I have no more to say to Mr. Sherrard.

Mr. George. I think I have nothing to ask on re-examination.

George Studdert, Esq., sworn; and Examined by Mr. Toib.

Witness has been a Police Magistrate of the city of Dublin for 27 years. Is acquainted with the mode in which some of the municipal taxes have hitherto been rated and levied. The taxes which the proposed Bill seem to affect are the police tax; the paving, lighting, and cleansing tax; the grand jury cess; and the wide-street tax. Took a memorandum of the amount of these taxes on witness's house for a few years back, and their average is something about 20 £ a year. Witness's house is valued at 140 £ a year under the Poor-law valuation. These four taxes on witness's house amounted in the year 1843 to 22 £ 8s. 4d.; in 1844 to 17 £ 8s. 10d.; in 1845 to 20 £ 8s. 4d.; and in 1846 to 20 £ 14s. 2d. The pipe-water tax is not included in this calculation; has that tax and other taxes to pay besides; merely confined himself in his calculation to these four taxes. Witness has not read the proposed Corporation Bill, except the rating clause contained in it; it was mentioned only to-day that there was to be an alteration made in that clause.

Mr. O'Hea stated that the rate in the clause mentioned was altered to a rate of 3s.

Mr. Toib. Will you have the kindness to tell us what the 3s. will cover?

Mr. O'Hea. These four taxes.

Mr. Toib. What is the poundage that you pay at present in respect of these four taxes?

Witness. The poundage last year was about 2s. 11d., and in other years not more than 2s. 9d. The tax for watering the streets is not included in that calculation. Witness should have had as much objection to the powers of taxation sought by this Bill being transferred to the late corporation as he has to their being transferred to the present corporation; does not think any corporation could manage them. The old corporation had these powers and they were taken from them; cannot tell why these powers were taken from them and given to other Boards. The police establishment, as regards the discipline of the men, is under the control of Mr. O'Connell and Colonel Brown.

Mr. Haywood. This does not, I think, come within the scope of our inquiry.

Mr. Toib. If I can show you that the police tax will be materially increased by those proposed alterations, by placing the police establishment under the control of the corporation instead of leaving it where it is, do you not think that would bring the subject within the scope of your inquiry?

Mr. Haywood. I do not think we can go into that question: we ought to hold ourselves to whatever relates to local improvements, buildings, streets, &c.

Mr. Toib. Do you not think an establishment, instituted for the protection of the citizens and their property, is one that falls within your inquiry?

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Mr. Heywood. It is not a subject of inquiry for the Commissioners of Woods and Forests. I consider this Bill as a Bill for several different objects, and I think the fact of its containing clauses relating to the police does not bring that establishment within the scope of our inquiry.

Mr. Tumb. If that be so I shall not press this subject on you; my object was to show that this alteration, as regards the police, would throw on the citizens a very considerable burden, which is at present borne by the Consolidated Fund.

Mr. Heywood. I don't think we can go into anything connected with the police.

Mr. Tumb. Mr. Stoddert, from your experience and knowledge of the citizens of Dublin, can you take on yourself to state to the Commissioners whether a transfer to the corporation of the powers of taxation vested in the present Boards would be agreeable to the citizens of Dublin.

Witness. I think it would be quite the reverse; I think the general feeling of the citizens of Dublin on this subject is against the corporation. I beg to state that their objection does not relate to the present corporation only, but to any corporate body. Witness cannot say that he is acquainted with the constitution of the present corporation; he knows that the town councillors are elected from the wards, of which there are 16; the effect of that constitution on the choice of town councillors is, that the poor class of houses, and the poor wards, have the same power of sending members into the City Assembly House as wards of altogether a different class, and that the great majority of the town councillors at present do not represent the property of the city.

Cross-examined by Mr. Ford, in the absence of the Counsel for the Promoters.

Witness. Has not had an opportunity of ascertaining whether the citizens of Dublin are at this moment convinced of the impropriety of upholding existing Boards, and of continuing the collection of taxes in irresponsible Boards, because that question has not been mooted by them, but merely the question with respect to the present corporation having the powers they seek for.

Mr. Ford. Am I to understand by the citizens of Dublin, those who are in every grade of life, or in the grade of society in which you move?

Witness. I have spoken to a great many; I have spoken to those not exactly in my own grade of life; to butchers, in the markets; to tradesmen of different classes; and every one I have spoken to on the subject was universally in opposition to this measure. The butchers say that if the powers sought for by the corporation be transferred to them, it will increase the price of meat 1d. in the pound. Witness never spoke to Mr. Thompson, the butcher, on this subject; never heard that the butchers are opposed to the establishment of public slaughter-houses; thinks it would be very desirable, in many instances, to remove the present slaughter-houses to other places; but a good deal depends on how they would be managed.

Mr. Ford. I believe the expense of making improvements induce many gentlemen to prefer going on in the old jog-trot rather than make them.

Witness. I don't agree with you there; alterations very often are not improvements; I judge of a tree by its fruits.

Mr. Ford. Was Alderman O'Neill a fit person to be returned as one of this council?

Witness. I scarcely knew him; he was a highly respectable man.

Mr. Ford. Then your knowledge of the citizens of Dublin is such that you did not know Mr. John O'Neill, that lived to the age of 83 years, and spent his life in Dublin, and was a most extraordinary character?

Witness. I tell you I know his character, but I had not the honour of his acquaintance.

Mr. Ford. Sir John Power, Roman-catholic, returned for Catherine's Ward, is he, from his station in society, a fit and proper person to represent that constituency?

Witness. I cannot think there could be any objection against him. Witness knows Mr. James Fagan very well; does not know how many men he employs; could say nothing about him that was not in his favour; he is a most respectable man; he is most unquestionably a fit and proper person to be returned one of the town councillors of Dublin. Witness does not know Mr. James Moran.

Mr. Ford. Do you know one Daniel O'Connell?

Witness. I have not the honour of his personal acquaintance?

Mr. Ford. Do you think Daniel O'Connell, who was once member for the city of Dublin, a fit and proper person to be returned as the representative of the Four Courts Ward?

Witness. I don't see why he should not.

Mr. Ford. Do you think Alderman O'Brien a fit person to be returned a town councillor?

Witness. I should think he is.

Mr. Ford. Do you think Alderman Rooney a fit and proper person to be returned town councillor?

No.

Mr. *Tomb*. Mr. Ford forgets that this witness has not cast any imputation on the present corporation.

Mr. *Hayward*. I think you have rather mistaken the nature of the objection that has been made against the constitution of the corporation; it is that its members are persons holding particular opinions; but they may, at the same time, be the most honourable men that ever lived.

Mr. *Tomb*. Have you heard many respectable persons say if this Bill passed, they would give up their houses and go to the country?

Witness. Certainly; I heard people that reside in Mount Joy-square say so; I unfortunately can give an instance in my own case. I have a house to let at present, and the gentleman who was in treaty for it said he would not conclude the agreement in respect of it until he had learned the fate of the Corporation Bill.

(To Mr. *Reynolds*.) The amount of witness's salary as a police magistrate is 600 *l.* a-year. Witness has filled that office 27 years; became aware this morning that the graduated scale first introduced into the Bill has been lately altered to a poundage rate of 3 *s.*; should think that a rate of 4 *d.* in the pound on the Poor-law valuation, for completing the sewerage of Dublin, a very moderate charge. It is a great reduction from 1 *s.*, as originally proposed.

Tankerville William Chamberlaine, Esq. sworn, and Examined by Mr. *Tomb*.

Witness. Is a householder in the city of Dublin; has had communication with several ratepayers on the subject of this Bill; generally speaking they were of the higher classes, but they were of all classes. The general opinion, as expressed by these ratepayers to witness, was very much what he has heard the last witness declare; heard several of them declare that, if this Bill passed, they would sell their houses and leave Dublin; they stated very sufficient reasons for doing so; they objected to powers like those being vested in any corporation; but by the vast majority it was declared that their objection applied to the present corporation, both as respect of character and of their not representing the property of the city.

Mr. *Ford* objected to witness speaking of the characters of individual members of the corporation.

Mr. *Hayward*. Do you understand this gentleman to say that the objection to the corporation regarded individual members of it?

Witness. As I am on my oath, I must say that they did object to several members of the present corporation, who they think are the promoters of this Bill. I am not giving my own opinion, for I know nothing of individual members of the corporation, except one or two of them.

Mr. *Ford* was proceeding to put questions to this witness, when

Mr. *Hayward* stated that he could not suffer a gentleman who had already appeared as a witness to the very fact to be examined into, and who on his oath had stated the very opposite to that deposed to by this witness, now to be the party to cross-examine that witness; that he could not allow either Mr. *Ford* or Mr. *Reynolds* to cross-examine this gentleman, for the reasons he had mentioned; and he mentioned the matter at this stage of the proceedings, because they might think that the witness would be open to them for cross-examination; and therefore, if they desired it, he would put off this gentleman's examination until their counsel should be present.

Mr. *Ford*. Very well, sir; I at once acquiesce.

Mr. *Reynolds*. Well, sir, I think it better that it should be put off.

Mr. *Tomb*, on behalf of his clients, objected to these two gentlemen who had been employed to-day in examining witnesses before the Commissioners cross-examining his witnesses; he thought the Commissioner had laid down the rule very correctly, and illustrated it very clearly. It was what the gentlemen themselves must feel, and that is justice to themselves as members of the corporation, and so interested in the Bill, in favour of which they had given their testimony, they ought not to act as cross-examiners. The general rule ought to be adhered to, and these gentlemen, having come forward as witnesses, ought not to appear at all as counsel.

Mr. *Ford* proposed that summonses should be issued for the parties on the other side, of whom the last witness stated he had heard so and so.

Witness stated that if it were the opinion of the Commissioners that he ought to name these parties, though without having their authority to do so, he had no objection to name them.

Mr. *Tomb*. I will relieve Mr. *Ford* from anxiety on this subject. I object to his examining as to the names of those individuals who, in conversation, gave an opinion which may render them very unpopular; but if required to establish that opinion by the direct examination of witnesses, there is no fear but we shall get abundance of them.

The examination of this witness was then accordingly postponed.

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The Examination of T. W. Chamberlaine, Esq. continued by Mr. Dobbs.

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Witness stated yesterday that he had spoken to many of the citizens of Dublin in regard to this Bill, and that they were not favourable to it. Many of them declared to witness, that if this Bill should pass, they would sell their houses, if they could sell them, and leave Dublin. Has had frequent opportunities of speaking to them on the subject; was one of the committee of householders appointed at a public meeting held at the Rotundo, and one of the provisional committee appointed at a previous meeting of householders, for the purpose of taking measures to oppose this Bill. Witness is sure that he conversed with between 200 and 300 at least of the citizens on the subject; they were almost exclusively of the higher classes; means the professional and mercantile classes, without distinction of politics or religion. Also spoke to several traders of Dublin on the subject; thinks he can only remember one gentleman, a Queen's counsel, who told witness that he had not read the Bill, but as far as he had heard it spoken of, he was inclined to approve of it; every one of the rest disapproved of it in the strongest terms.

Mr. Ford. This would be very good evidence before a Committee of the House of Commons.

Mr. Tomb. (To the Commissioners.) We should not have gone into it at all, but I understood that evidence had been given to you by the other side, to show that the citizens of Dublin were in favour of this Bill.

Mr. Hayward. This gentleman gives very specific evidence; he says he conversed with 200 or 300 persons on the subject.

Witness. Is only acquainted with, he believes, two members of the corporation; one of them, Alderman Batt, he has known for some time. There were several bankers among the persons witness spoke to; spoke to people of all persuasions, without distinction either of political or religious opinions. The persons witness spoke to gave very strong reasons of a general character for their objection to this Bill; they alluded directly to the extravagance of the present corporation with respect to the money already entrusted to them. They frequently alluded, in very strong language indeed, to the corporation not performing their duty in the exercise of the powers already entrusted to them. Witness thinks that those who used the strongest language against the Bill were, generally speaking, the persons who witness should have thought would have been most favourable to the corporation.

Mr. Hayward. You are going a little too far into detail: all I think evidence is, that this gentleman talked with 200 or 300 persons; and they were against the Bill, and distrusted the corporation. I think a few questions as to local feeling is the outside you can go to on this subject. All I could put down in my report is, that this gentleman consulted with a great number of persons of different political opinions, and that they intimated to him they were opposed to this Bill.

Mr. Ford. Suppose a Member of the House of Commons called for the shorthand writer's notes?

Mr. Hayward. Everything that is evidence will go into the shorthand writer's notes. I am sent here to collect evidence; nothing shall go into my notes but what in my opinion is evidence; I shall not put anything in my notes as evidence simply because it was stated in this room; long speeches have been made here in the shape of cross-examination; and when I come to make up my report, I shall take upon myself to the fullest extent the responsibility of leaving out a great deal that has been forced into this inquiry on both sides.

Mr. Ford. After the explanation given by the Commissioner on this subject, there is nothing that I would cross-examine this gentleman on.

Mr. Hayward. There is nothing that you can cross-examine to; the only fact I get from this gentleman is, that, being largely acquainted with the ratepayers, he talked to them on the subject of this Bill, and they were, with one or two exceptions, opposed to it.

Witness found a very strong feeling indeed against the Bill, but found nobody ready to come forward to oppose it. Witness then went about asking gentlemen to put down their names to attend a preliminary meeting for the purpose of considering what could be done to oppose the Bill.

Mr. Hayward. Do I understand you to state that you went about to all the people you could influence, and asked them their opinions about the Bill, and also to put down their names with a view to holding a public meeting?

Witness. I went generally through the bar, and canvassed them to oppose the Bill. At the Four Courts the Bill was generally talked of as one of the most unwise measures ever introduced.

Mr. Hayward. Did you collect subscriptions to oppose the Bill?

Witness. Yes; I and one or two other members of the bar collected subscriptions to defray the necessary expense, after it had been determined to hold a public meeting.

Mr. Hayward. The evidence amounts to this; that a strong party oppose the Bill.

Witness. The persons to whom I spoke distinctly intimated very strong objections against trusting such powers as this Bill proposes to give to the present corporation in particular.

They

They objected to the character and constitution of this corporation in particular. Witness does not mean the private character of any individual members of it; he means their public and corporate character.

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Charles Benjamin Mosse, sworn; and Examined by Mr. Tawd.

Witness is one of the inspectors of weights and measures in the city of Dublin. Is at present appointed to that office by the grand jury, under the 5th & 6th Will. 4, chap. 63. Witness's duty is to seize all illegal weights, and to stamp all the weights of persons who sell and buy by weight. There were two sets of standard weights provided by Parliament; one for the city of Dublin exclusively, and the other for Ireland at large. The set for Dublin were provided by the grand jury, and kept in the Mansion House for protection. The office of inspectors of weights and measures had been at the Mansion House: when the Act passed giving the custody of the weights and measures to the inspectors, it was thought better, with the consent of the Lord Mayor, to keep them still at the Mansion House for protection. The weights, though still kept at the Mansion House, were in the custody of the inspectors, who had the key of the place they were deposited.

Mr. Tawd. What became of that set of weights afterwards?

Witness. When Sir John Kingston James was Lord Mayor, they remained at the Mansion House, and when Mr. O'Connell came in, they thought it would be paying him a bad compliment not to leave them in his possession also. The weights were accordingly kept in the Mansion House by the inspectors, who took the key of the place where they were deposited. A gentleman afterwards came to witness, and charged him with having removed those weights out of the Mansion House surreptitiously. The weights used to be kept in the hall, but orders had been given to remove them into a back closet. Witness told him where the weights were. Witness retained the weights in his possession until Alderman Roe came into office. Knows of proceedings having been taken in the Queen's Bench relative to those standard weights and measures. The inspectors could not do their duty without continued access to these weights and measures, and they were refused admission by some officer connected with the corporation, whom witness does not know: went to the Mansion House to try and get access to them, and it was refused him; it was not immediately in consequence of this refusal that an application was made to the Queen's Bench for a mandamus, because Alderman Roe came in, and the inspectors applied to him, and he permitted them to have access to the weights. In the succeeding year witness was refused access to these weights and measures by Alderman O'Brien, and it was in consequence of that refusal that proceedings were taken in the Queen's Bench. That was an application for a mandamus; it was resisted on behalf of the corporation; the result was, the mandamus issued.

Sir Coleman O'Loghlen. The Queen's Bench granted a mandamus, and at that time a writ of error did not lie on a mandamus.

Mr. Tawd asked Mr. Smith (the solicitor for the corporation), what was the amount of the costs of these proceedings.

Mr. Smith. I could not say my now.

Mr. Hayward. I have called for a return of these costs; there has been some litigation, and, as far as it went, the decision has been against the corporation. It must have cost some money. The contest was really between the grand jury and the corporation.

Sir Coleman O'Loghlen. The circumstances were these: there was a provision in the 5th Geo. 4, requiring the magistrates of Dublin to buy a set of standard weights and measures, and deposit them in safe keeping for the citizens at large. The magistrates bought a set, and the expense of having them was levied by the grand jury, and the magistrates deposited them with the Lord Mayor for the time being, for the citizens of Dublin, and we claimed the right to the custody of these weights and measures, as being the successors of the Lord Mayor, with whom they were deposited under the Act. After that Act, there was another Act passed, the 5 & 6 Will. 4, chap. 63, and this Act authorised the grand juries all through Ireland, to appoint inspectors of weights and measures. There is a saving in this Act of the rights of towns corporate. Under the charter the Lord Mayor had the sole right to appoint inspectors; and we claim the sole and exclusive right to the appointment of these inspectors, and to the custody of those weights and measures.

Mr. Hayward. In fact, you went to law for the purpose of having the question decided, as to whether the grand jury or the Lord Mayor had the right to appoint inspectors.

Sir Coleman O'Loghlen. We say that in any case, even if we have not the right of appointing inspectors, we have the right to the custody of the weights and measures.

Witness. When the Queen's Bench granted the mandamus, the weights and measures were not delivered to witness on his first, second, and third applications; on the fourth application, when the mandamus was made peremptory, witness got a part of the weights, and the excuse made to him for not delivering the rest was, that part of the government standard weights was deficient, and they kept some of the grand jury's weights to make up the deficiency.

Sir Coleman O'Loghlen. When the order was made absolute we delivered up the weights.

Witness. It is necessary, under the Act of Parliament, for the inspectors to have a warrant from the Lord Mayor. In Alderman Roe's time witness got that warrant, but in the following year he was refused a warrant, unless he paid the sum of 10*l.* as a fee; Alderman O'Brien insisted on that fee, and witness got no warrant from him, and consequently was unable to exercise his office of inspecting weights and measures. Witness got a warrant from three official magistrates. Witness applied several times to Alderman O'Connell, but never could get an interview with him, and got no warrant from him. Made several applications for those weights, both to Mr. Ford and to the law agents,

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after the peremptory mandamus had issued; at first they refused. On his next application witness saw that they were equivocating, and jockeying him about from one to another. He went to Mr. Ford, and was referred to Mr. Morgan. Mr. Ford said that witness should get the weights, but that if he had to consent to witness getting them, he would not give them. He told witness that the decision of the Queen's Bench was judges' law, but that it was not legal.

Mr. Toole. The Queen's Bench having decided in your favour, Mr. Ford reversed this decision. Were you interfered with in the exercise of your duty, by other persons setting up their claim to the office of inspectors of weights?

Witness. I was, and am to this hour. Three persons purport to be officers under the corporation, and they call themselves inspectors of weights.

Mr. Toole. Have you ever seen this placard? (*The following placard was produced.*)

"IMPORTANT NOTICE.

"WEIGHTS AND MEASURES.

"The traders of Dublin are informed, that the Lord Mayor of this city has the custody of two distinct set of standard weights and measures, pursuant to Act of Parliament. The Court of Queen's Bench has decided that the inferior old set of copies of weights shall be given to the grand jury. The splendid original set of standard weights and measures, which no court can touch, must remain, as usual, with the Lord Mayor of Dublin.

"The judges have also decided, that all rights and privileges ever enjoyed by the Lord Mayor or his deputies, for setting and stamping weights and measures, are preserved and in full force.

"It now remains with the traders of Dublin to choose between the nominees of the old corporation, who so long insulted the citizens of Dublin, and the clerks of the market appointed by the reformed corporation, whose office is at 19, Exchequer-street.

"N.B.—Be sure to ask for the Lord Mayor's warrant, and to bear in mind that all summonses and complaints in respect to weights and measures, must be brought before the Lord Mayor, and no other magistrate."

Witness. I have seen several of these placards; saw one of them posted on the window of the house of one of those officers in Exchequer-street.

Mr. Hayward. On whose authority was this put up?

Sir Coleman O'Loughlin. On the authority of themselves.

Mr. Hayward (to the town clerk). And did you not check this?

Mr. Ford. I never heard of it.

Mr. Hayward. Were many of these put up?

Witness. As far as my judgment goes, I saw them in several shops, in all the huxters' in Dublin; I have seen so many I cannot tell how many, but I saw this one on the window of the inspectors' office, in Exchequer-street. It is about a year and a half ago since witness saw this placard; has seen other similar notices, but not exactly word for word with this; the other notices were not so strongly worded as this. There are three of these inspectors.

Mr. Hayward asked if they were still in office, and was answered that they were.

Mr. Ford. I never heard of this before.

Witness. Since these notices were circulated, witness's fees have been materially diminished.

Mr. Hayward asked the witness if he had seen this notice put up in a public office?

Witness stated that he had seen four of these notices in the windows of the office in Exchequer-street.

Mr. Hayward. How long do you suppose they remained there?

Witness. I rather think they are on the windows still; found a great number of them in the shops of the huxters and traders of Dublin. Witness is paid by salary, and is entitled to certain fees for stamping the weights, but he is bound to account, on oath, with the grand jury for every halfpenny he receives for stamping.

Mr. Hayward read the section of the Act of Parliament relating to the appointment of inspectors of weights and measures; and asked the witness if he accounted for the fee he received from the public.

Witness. I do, sir, on oath.

Mr. Hayward. These fees, you say, have been materially diminished since this interference, and consequently your salary falls more heavily on the citizens of Dublin.

Witness. That is the consequence. The rival inspectors also receive fees from the public.

Cross-examined by Sir Coleman O'Loughlin.

Witness had a warrant from Alderman Roe, but did not get one from Alderman O'Brien.

Sir Coleman O'Loughlin. Is it not the fact, that any three magistrates can give you a warrant?

Witness having been for twenty-eight years getting warrants from the Lord Mayor, he preferred getting them from them. Witness used to take out warrants from former Lord Mayors, and to pay for them until the passing of the Weights and Measures Act; and before

before that to pay 11*l.* odd, fee; cannot tell whether this fee goes to the Lord Mayor's secretary; believes he gets a part of it.

Mr. Haywood asked Mr. Tomb if he put the placard in evidence.

Mr. Tomb. If you please.

Sir Coleman O'Loughlin. We do not object to it. I would only ask you to state in your report, that we still claim to be the inspectors of weights and measures.

Mr. Joseph Long, sworn; and Examined by Mr. Dobbs.

Witness is a householder and grand juror of the city of Dublin; is auditor of the corporation; was the first auditor appointed at the commencement of the Act in 1841 or 1842. There are three auditors appointed; the burgesses at large elect two auditors, and the corporation one.

Mr. Haywood. We know all this from the Act.

Witness. Was not elected by the corporation; it was stated here the other day that he was; is not in any way connected with it, save as auditor of the borough of Dublin. It is not true, as stated by Mr. Reynolds, that witness gets 75*l.* a year as auditor; witness thinks he audited about six years' accounts for the present corporation, and one or two accounts of the old corporation, and the entire sum he received by three distinct payments for eight years' audits amounted to 185*l.* In auditing the accounts of the old corporation, every facility was afforded witness by the officers of that corporation; the same facility was afforded witness by the present corporation. The accounts that came before witness are not the accounts of the corporation, but orders from the Committee of Finance to the treasurer to pay certain sums of money, and which orders are his authority, and vouchers to witness for these payments. The treasurer produces to witness the receipt of the party to whom he pays money, in order to account for the outlay of that money; but the accounts of the corporation themselves do not come before witness, but merely the orders of these members of the Finance Committee, countersigned by the town clerk. The fact is, that it is the treasurer's accounts witness audits; has the printed accounts of the treasurer, commencing 1st September 1843; witness audited that account, finds the Lord Mayor's salary stated in it to be 2,000*l.* a year; and it was always the same until the account commencing the 1st of March, and ending 31st August 1844.

Mr. Haywood inquired what this witness was going to prove?

Mr. Dobbs. We are going to prove that the Lord Mayor's salary was 2,000*l.* a year, but that in consequence of the inspectors of weights and measures not being legally appointed, their salaries were illegal; and Mr. Long, as auditor, objected to these salaries, and put a protest against them in the half-year's account. In consequence of that protest the corporation did the same thing in a different way, by increasing the Lord Mayor's salary to 2,200*l.* a year, by the amount of the inspectors' salaries. The Lord Mayor received that sum, but he paid over to these inspectors of weights and measures 200*l.* a year.

Sir Coleman O'Loughlin read an entry from the minutes of the corporation, of a resolution on the subject.

Mr. Dobbs handed in the treasurer's accounts of the half year subsequent to the resolution mentioned in the minutes of the corporation, by which it appeared that the half year's salary of the Lord Mayor was 1,100*l.*

Mr. Ford. I believe the salary was altered by the public Act of the Assembly.

Mr. Haywood called for the Act of the Assembly, which was produced to him, dated 21st May 1844; he said the objection to this proceeding would be, that they evaded this Act of Parliament requiring them to get the consent of the Lord Lieutenant; they got rid of the difficulty by paying 200*l.* a year nominally to the Lord Mayor; according to that principle they might have appointed as many officers as they liked.

Mr. Tomb. There is a misapprehension that Mr. Ford labours under in supposing that there is any such officer as inspector of weights and measures; in point of fact there is no such officer, nor does the clerk of the market claim any such; here is a gentleman that can ascertain this question for you.

Mr. Charles B. Moore, Re-examined.

Witness. In former times the clerk of the market used to do the duty of the inspector of weights and measures; witness was one of the clerks of the market until the passing of the Weights and Measures Bill; discharged the duties of each office separately, one for the grand jury, and the other for the city of Dublin.

Cross examined by Sir Coleman O'Loughlin.

Before witness was appointed by the grand jury, he used to take out a docket from the Lord Mayor. The Lord Mayor of the old corporation invariably performed the duty of inspector of weights and measures along with the clerks of the market.

Examination of Mr. Long resumed.

Mr. Dobbs. Do you know of any instances of officers of the present corporation making use of the opportunities which the powers they have as officers afford them, to affect the question of the registration of voters before the hustier in Dublin?

Witness. I do, one or two instances. Witness recollects an instance which occurred about a year or two ago. Is a member of the Conservative Registration Committee of Dublin. It is usual to send certificates to the various tax officers as to the payment or non-payment of the various taxes; recollects there were certificates sent to a pipe-water collector

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for Albert-place, and they were returned by that collector as in charge; some person, a claimant at the Registry Court for the franchise, and in the Conservative interest, was returned in one of those certificates as being in charge in that district, that is, that the tax was due on his house; and in the course of a day or two afterwards, a claimant from the same locality in the liberal interest came up, and a certificate was then produced on his behalf as "not in charge;" the latter was correct. It was found that the certificates marked "not in charge" were correct, and those marked "in charge" were incorrect. The certificates were signed by the same tax collector.

Mr. Tans. The meaning is this: "in charge" means unpaid, uncollected; "not in charge" means discharged.

Witness. I shall explain. Parties coming to register must produce either a receipt or a certificate that their pipe-water tax has been paid, if in charge, in their locality; or if not in charge, a certificate to that effect. There were two classes of voters from Albert-place, one Conservative, and the other Liberal. We (the Conservatives) forwarded our certificates to the pipe-water collector, and got them signed, as to whether the pipe-water was in the place or not; our certificates were returned for that locality as being in charge of the pipe-water tax, and that it was due; while for the very same neighbourhood, certificates were given to the Liberal party as not being in charge.

Mr. Hayward. The result then was, that one man was disqualified, and the other was not.

Witness. Precisely so.

Mr. Hayward. First tell me the name of the street.

Witness. I will not be positive as to the place, but to the best of my opinion it was Albert-place.

Mr. Hayward. Do you know the name of the collector?

Witness. I do not, because it is nearly two years ago. I can state this positively without any doubt, that certificates were returned by the pipe-water collector placing the Conservative claimants from that locality in charge, there being no pipe water in it; and the certificates of the Liberals were returned by the same collector as "not in charge." Mr. Hyndman, who was counsel at the Registry Court, can depose to these facts.

Mr. Hyndman stated that he attended as counsel at the Registry Court; that he recollected the circumstance; he could not tell the name of the collector, but he recollected the name of the place was Albert-place.

Mr. Hayward. If anything of this sort is relied on, it must be proved specifically.

Mr. Ford. If you give us the time and place, you shall have the collector; there was one collector guilty of peculation, and he was discharged.

Mr. Hayward. Was any complaint ever made of the collector's conduct?

Mr. Ford. Never.

Mr. Ford. Was the person disqualified?

Witness. The barrister did not register him. I do not know the names of the parties.

Mr. Dobbs. Do you know any other instance?

Witness. I do.

Mr. Hayward. You have not proved any instance yet. I think that you should prove that a complaint was made to the pipe-water department.

Mr. Dobbs. Do you know of any instance relating to a person named Parsley?

Witness. The circumstances relating to Mr. Parsley were these: a party applied to register for a house in Mabbot-street. It is necessary that at the time of the application to register certain taxes should be paid: the applicant produced certificates that the taxes had been paid; but the certificate for the pipe-water was of so unsatisfactory a nature that the registering barrister allowed the case to remain over for investigation. The next day the same party appeared in court, and produced a receipt for the pipe-water tax as having been paid previously to the application to register. In the meantime witness went over to the city assembly-house himself, and asked to see the collector's book receipt; witness found the collector had antedated the receipt; the pipe-water tax was not paid until after the party had applied to be registered; witness then got from Mr. Parsley, the collector, a certificate to that effect, that he antedated the receipt. The collector gave witness the document which he now produces, and of which the following is a copy:

"I have been paid for No. 61, Mabbot-street, on the 4th of March 1846, and dated the receipt for February 28th, 1846, not thinking it of any consequence. Anthony Parsley, Collector.—March 7th, 1846."

The collector wrote that receipt for witness at the counter in the treasurer's office.

Mr. Hayward. Did the treasurer know of it?

Witness. He did; he did not know it, I presume, until I met the collector there; he knew it when I was there.

Mr. Dobbs. What was the reason of his giving that certificate?

Witness. I said he should either come over to court and give evidence, or that he should give me a certificate, and he preferred giving me the certificate; when the barrister saw it he said it was so extraordinary a case that he would require the presence of the party in court; he was brought over to court, and fully stated, on his oath, the substance of this certificate. The claim was rejected, but it would have been admitted only for that certificate.

Mr. Tans. Is this gentleman still in office?

Mr. Ford. He is.

Mr. Hayward. What is the period from which the taxes must be paid?

Witness. The claimants must not owe more than half a year's municipal taxes.

Mr. Hayward. What day did he apply to register?

Witness.

Witness. He applied to register on the 4th of March 1846. When a party makes an application to register, if his taxes are in arrear at the time of making the application, the application is refused; he should have paid the pipe-water tax due on the 24th June 1845, otherwise he could not register on the 4th March 1846; he stated he had paid it, but he had not; he did not pay it until after he had applied to be registered.

Mr. Dobbs. As auditor of the accounts of the corporation, and from your opportunity of seeing these accounts, do you consider the corporation lavish in their expense or economy?

Witness. I have already stated that their accounts do not come before me; if they did I could form an opinion like any other person.

Mr. Dobbs. Are you churchwarden of Saint Michan's parish?

Witness. I am; one-half of Smithfield is in that parish. Witness has a book that shows the accounts connected with the receipts for the poor of that parish; it commenced in the year 1820, and witness finds, after the first page, entries of different sums of 5*l.*, 8*l.*, and 10*l.* at a time, received from the inspectors of the markets (the average is from 20*l.* to 30*l.* a year) for the Poor Widows' Almshouse, entered as received from the Lord Mayor as fines for fraudulent hay exposed for sale in Smithfield. Witness finds these entries all through the book up to the year 1841; there is no entry since that time, none whatever since the new corporation came in; Captain Fry is not inspector now; Mr. White acts now; made repeated applications to various Lord Mayors for the proceeds of these sales for the poor of the parish; got no answer and got no money; believes Mr. Ford is aware of it; he said I ought to get the fines. Witness wrote to Lord Mayors on the subject, and never got even a reply to his communication. It appeared to witness that each Lord Mayor wished to throw the duty of attending to the subject on his successor; but it certainly is a serious loss to the poor.

Mr. Dobbs. What becomes of the money?

Witness. I know it does not go into the borough fund; as auditor I do not find it there; had a great deal of conversation with various Lord Mayors about it; Mr. Arncliffe expressed himself very much interested in the matter, and brought Mr. White before him, and he told witness that he could get no good of Mr. White, and that he did not like to dismiss him, because he had been appointed by Mr. O'Connell. Alderman Keshan told witness he did not like to do anything about it, and to wait until Alderman Staunton was in office.

Cross-examined by Sir Colman O'Loughlin.

Sir Colman O'Loughlin. You spoke about Mr. Parsley making this mistake in the receipt he gave.

Witness. He antedated it. Witness did not complain to the council about it; Mr. Parsley was examined before the barrister; he said he did not think it of any consequence. Witness does not think it was done through corruption on his part, but believes it was done through corruption on the part of those who made him do it.

Mr. Hayward. You say those who made him do it; what reason have you to think any persons made him do it?

Witness. I think whoever came to him must have known the consequence of antedating the receipt.

Mr. Hayward. Do you mean the voter?

Witness. I mean whoever applied to him on the part of the voter; I think there was influence used by some person with the collector, but I don't say by any person on behalf of the corporation. The Lord Mayor is not residing in Smithfield Market in the seizure of hay and straw.

Mr. Denis Castigis presented himself and was sworn, and Examined by

Sir Colman O'Loughlin.

Sir Colman O'Loughlin. You are the treasurer of the borough of Dublin?

Witness. I am.

Sir Colman O'Loughlin. Mr. Long has stated that he got a certificate from a collector named Parsley, in your office, this is the certificate (ante page 56)—and that the collector antedated it, and said he did not think it of any consequence.

Witness. On my oath I never saw it, I never saw it written; I never heard of it before.

Sir Colman O'Loughlin. You know nothing at all about it?

Witness. Nothing; I never heard of it until this moment; it is monstrous.

Cross-examined by Mr. Tombs.

Knows perfectly well a man named Anthony Parsley; he is a collector, and one of the best in the house, and a well-conducted proper person, there is no doubt of it whatever.

Mr. Tombs. Perhaps he is the very best collector in the house?

Witness. I esteem him as such.

Mr. Tombs. Do you continue to esteem him after having read this certificate?

Witness. I know nothing of it.

Mr. Tombs. Do you swear you know nothing about this document?

Witness. Certainly.

Mr. Tombs. Do you swear you know nothing about it?

Witness. I swear what I have sworn.

Mr. Tombs. Do you swear you know nothing about it?

Witness. I know nothing about it, further than I see it there.

Mr. Tombs. You have read it?

Witness. I have; I know it is a certificate.

Mr. Tombs. Do you know what the contents of it are?

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Witness. Not further than what I read there of it.

Mr. Tomb. Have you read it?

Witness. I read it in the gentleman's hands.

Mr. Tomb. Have you read it?

Witness. I have read it.

Mr. Tomb. Do you know the contents of it?

Witness. It is a certificate about taxes.

Mr. Tomb. Do you know the contents of it, Mr. Costigan?

Witness. I know the contents of it; I just read now that it was a certificate about taxes.

Mr. Tomb. Tell me how you can take upon yourself to swear you never saw it before, if you do not at present know what it is about?

Mr. Heyward. You are contradicting that gentleman (Mr. Long) on your oath. (To Mr. O'Hea, who objected): What Mr. Tomb wants to show is this, that at the very moment the witness is swearing about this certificate, he has not read it with sufficient attention so as to be acquainted with its contents.

Mr. O'Hea objected to the cross-examination of a witness in reference to a document produced on behalf of the opponents of the Bill, without first putting that document into the witness's hands.

Mr. Heyward. My decision is very clear on this point; allow me to give my decision: Nobody contends that a witness can be examined as to the contents of a written document, without that document having been first read; but when a document has been produced, and has been put into his hands, it is competent for the cross-examining counsel to take that document and try the memory and credit of the witness.

Mr. O'Hea. This is a decision on a wrong statement of facts.

Sir Coleman O'Loughlin. I don't think Mr. Long was taken in that short way. I say that if this gentleman is to be examined as to his credit, as to whether he knows anything about that document or not, that document ought to be put into the hands of the witness.

Mr. Heyward. Whether Mr. Tomb presses this point or not, I shall; I must satisfy myself whether this gentleman, talking of a document, be at this moment sufficiently acquainted with it or not; if he says at once he is not, that will end the whole question, and then I shall give back this certificate to you. If you, as counsel for him, say he has not read it, that will settle the whole question.

Mr. Tomb. I am endeavouring to protect this witness fairly and honestly, and with the view of doing him justice. That gentleman has been given an opportunity of stating to you whether he has inspected that instrument sufficiently to enable him to know perfectly what the contents of it are; because he came in here, and before he was sworn, with a good deal of zeal and a good deal of agitation, said he had heard such and such things were imputed to him in respect of this certificate, and he protested before God that he had never heard or seen anything about it; and he gave testimony as to that document, never having heard or seen anything about it before.

Mr. O'Hea. Mr. Tomb alleges that he wants to protect the witness; I will take his word for it; but I know no other man living whom I would believe that he wanted to protect a witness, when he is trying to puzzle him in every way he can. If you want this gentleman to give fair testimony as to that document, I require it to be put into his hands.

Mr. Heyward. If I am to assume as a fact that this man had not read this document sufficiently when he made a statement regarding it; that he did not know enough of it to justify those statements—I don't think he has deliberately read this document; this is my impression. (To Mr. Costigan): Will you have the kindness to tell me the contents of this document?

Witness. I never heard of or saw that document until I saw it in Sir Coleman O'Loughlin's hands; I threw my eye over it, and I saw it was a certificate respecting some taxes.

Mr. Heyward. I now ask you, do you know the concluding words of this document?

Witness. Certainly not.

Mr. Heyward. Now here he admits that he has not seen the essential part of this document, and yet he made an assertion in the most positive manner about it.

Witness. I am labouring under a degree of imputation that I feel very much.

Mr. Heyward. I do not think there is the least imputation in any one's mind against you; you are a little agitated and a little too eager. Now have the kindness to read carefully over that certificate. (Certificate handed to *Witness*, who reads it.) Do you understand it now?

Witness. I do. It appears to me to be a certificate of having given a receipt to the amount in this paper, on some previous occasion.

Mr. Tomb. Do you understand what that document is?

Witness. I should say this man gave a receipt and dated it on a wrong day; I know no more. I would wish it should be mentioned to the public on this matter, that this man had no business to write in my office; I take it on myself to state, that to the best of my belief he never wrote that document in my office.

Mr. Tomb. You now know that this certificate was given by Anthony Parsley, of his having antedated a receipt. Do you believe that to be his handwriting?

Witness. I am perfectly satisfied of it.

Mr. Tomb. Do you know from this certificate that Anthony Parsley gave an antedated receipt for taxes to enable a voter to vote?

Witness. I should think by what I see there, that such was the fact.

Mr. Tomb. Have you any doubt of it?

Witness. How can I? I have no doubt of it.

Mr. Tomb

Mr. Towb. Having no doubt on the subject, do you continue to esteem Mr. Parsley?

Witness. I do. I consider him a very decent, proper, upright, honourable man.

Mr. Towb. You continue to entertain that impression of him?

Witness. I do.

Mr. Towb. You are now satisfied that he antedated a tax receipt, to enable a man to vote?

Witness. You tell me that he did.

Mr. Towb. Don't you tell it to me? Don't you tell me that you are satisfied he antedated a receipt in order to impose on the barrister? Do you not consider that Mr. Parsley antedated this receipt for the purpose of imposing on the barrister?

Sir Coleman O'Loghlen objected to the form in which this question was put to the witness.

Mr. Towb. See, sir; you have already said you considered this to be a certificate in Mr. Parsley's handwriting, that he antedated a receipt. Was it not so?

Witness. I won't go into his motives. I take it for granted that he did not know what he was doing at the time; he is a decent proper man.

Mr. Hayward. You cannot surely mean to say, after reading that document, that he did not know what he was doing?

Sir Coleman O'Loghlen. You have it already on your notes that the last witness said he believed it was done through ignorance.

Mr. Towb. Do you know Mr. Long?

Witness. I do.

Mr. Towb. Do you recollect his coming into your office on this subject?

Witness. I don't recollect it at all.

Mr. Towb. Will you swear he did not come into your office and speak before you, in your hearing, as to this man?

Witness. Most certainly I will not swear that is true. If I had the slightest recollection of it, you should have it from me in an instant.

Mr. Towb. On your oath, did you never hear of it before?

Witness. Not to my knowledge.

Mr. Towb. On your oath, did you never hear of this man having antedated a receipt?

Witness. Certainly, I distinctly say, to my knowledge I never did. I certainly do swear most positively, I have no recollection about it.

Mr. Hayward. Will you swear you know nothing about it?

Witness. Clearly.

Mr. Hayward. Here is a very serious accusation against one of your officers.

Witness. I have nothing to do with the collectors, good, bad, or indifferent, but to receive their money. It is not my duty to report on their misconduct.

Mr. Hayward. You came forward to contradict a person on oath; do you really mean to say that, if you found a collector guilty of misconduct, you would not think it your duty to tell any one of it?

Witness. I would immediately convey it to the superiors of the party.

Mr. Hayward. Don't you consider an action of this kind a wrong thing?

Witness. Indeed I do.

Mr. Hayward. Suppose one of your collectors had antedated a receipt, is not that an act that you should have thought it proper to report to his superiors?

Witness. Most undoubtedly, if I had been referred to.

Mr. Hayward. Then we come to this, that if this act had taken place, you would have reported on it?

Witness. Most likely.

Mr. Hayward. You say you considered this a case which it would be your duty to report.

Witness. I don't exactly go that length with you, of saying that I considered it my duty; I would feel disposed to do so; if I were in Mr. Ford's office, I would tell Mr. Ford.

Mr. Hayward. I cannot understand how an officer can say, that if such a transaction as this had taken place, he should consider it as his duty to notice the misconduct, and yet be unable to say positively whether he did or did not know of it.

Witness. I will give an explanation of what I mean; I found him most correct in all the transactions that he had with me. I found him a straightforward man.

The Examination of Mr. Long resumed.

Mr. Towb. Mr. Long, did this transaction take place in the presence of this gentleman (Mr. Costigan)?

Mr. Long. On my oath it did. It is right I should explain how it occurred. I have stated that the circumstance occurred in the treasurer's office; Mr. Costigan was by, and was talking to me on the subject. Mr. Nevin was along with me at the time, and Mr. Parsley wrote that certificate on the counter in the treasurer's office; and Mr. Costigan was standing inside the counter, and Mr. Nevin was with me outside the counter when he wrote that document.

Mr. Ford. Did you make a complaint of this?

Mr. Long. I did not.

Mr. Long. I think it right to protect myself. A pipe-water collector has just stated here to Mr. Arkess, when he asked him what all this was about, that Mr. Long was giving evidence here to try and make the collectors appear as rogues.

Mr. Hayward. Observed on the impropriety of such remarks.

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Mr. Charles Nevin, sworn; and Examined by Mr. Dobbs.

Mr. Dobbs. Did you see that paper (the certificate) written on the 7th of March 1846?

Witness. I did.

Mr. Dobbs. By whom?

Witness. By Mr. Parsley.

Mr. Dobbs. Where?

Witness. In the treasurer's office.

Mr. Dobbs. Was the treasurer present?

Witness. He was, and talking to him.

Mr. Hayward. I think it unnecessary to carry this farther.

Mr. Dobbs. I shall only ask the witness as to one point. You were collector of parish cess in the parish of Saint Paul's?

Witness. I was; part of Smithfield is situated in that parish. Witness received, for a series of years up to 1841, money on account of fraudulent hay and straw sold in Smithfield for the poor of the parish. Knows Mr. White; on a Saturday, in the year 1843, Mr. White was inspecting a load of hay in Smithfield; he went round the hay, and showed a farmer named Brennan where the hay was wet inside, and said, the Lord Mayor would confiscate this hay if he saw it; and he said, the least you can be fined is 5s. There were two or three men going round with Mr. White, with badges on their arms, and Mr. White said, give the men 5s.; the farmer put his hand in his pocket and took out 5s., and Mr. White pointed towards the men. Witness told at once the churchwardens, that the fine ought to be given to the poor.

Cross-examined by Mr. O'Hea.

Does not know that since the present corporation came in, the factors at Smithfield have resisted them, and insisted that there should be no fines. The weighmasters in this instance, or in any instance that witness knows of, did not resist the authority of the new corporation. Witness means to say, that he has no knowledge of the fact; remained in the market at least five or ten minutes after the fine was imposed.

Mr. O'Hea. Do you mean to say that they removed the hay, and sold it that day?

Witness. I did not remain there to see it removed, for I went to the churchwardens and told them of the circumstance. I don't know what became of the hay.

Mr. O'Hea. Do you know whether any of those men watched there after the inspector went away?

Witness. Certainly not.

Mr. O'Hea. You swear that?

Witness. Not a man of them; they all followed him.

Mr. O'Hea. You don't know what became of the hay?

Witness. Certainly not.

Mr. O'Hea. In fact you know nothing about it, except that a fine of 5s. was imposed on it.

Mr. Hayward. This is a case of misconduct in this inspector; it is not brought home to the corporation.

Mr. Dobbs. He was appointed by the corporation. We have other witnesses to prove these facts, but we shall not carry this branch of the case farther.

Mr. Hayward stated, that the only way in which this evidence could bear on the fitness of the corporation to be entrusted with these powers, was by bringing the knowledge of these things home to the Lord Mayor.

Devis Heffernan, sworn; and Examined by Mr. Tomb.

Witness has been beadle of Saint Paul's parish for 16 or 17 years; the half of Smithfield is situate in that parish; recollects in the time of the old corporation several seizures having been made of fraudulently packed hay and straw; they were made by the inspector; those which the inspector found fraudulent, witness sold by auction; that practice continued down until the time Captain Fry was (as witness supposes) dismissed, and Mr. White came in; sold some loads for Mr. White, but sold none since the 19th May 1846; there has been plenty of fraudulent hay in the market since; Mr. White imposed a fine on the owners, but cannot say how much. Witness used to get of the fines, for himself, sometimes 2s. 6d., sometimes 1s. 6d., and sometimes 1s.; since May 1846, believes he got for fraudulent hay that was seized and not sold, 1s. or 2s. on the whole. Mr. White fined the parties, and the hay was not sold; can't say what became of the hay; cannot say it was sold in the market; was present when a fine was paid; cannot say what became of the hay in that case, but knows Mr. White gave witness 1s.; cannot say whether the hay was left there in the market after Mr. White got the fine and witness got the 1s.; saw it was moved out of the hay market near Queen-street, where it was put up to another part of Smithfield; sold but one load of hay since January 1846, and up to the 19th of May following, and none since that; they take fines ever since. In witness's opinion, more fraudulent hay comes into the market since Mr. White was appointed, than had come before; knows a great deal of the hay to be very bad; knows what became of the money that used to be made by condemned hay; they used to divide it between the churchwardens for the parish, and the witness's parish; after Mr. White came in, witness carried a letter to the inspector, complaining about this money not being given to the poor; witness himself complained several times about it, for he lost a great deal by it.—(Not Cross-examined.)

Sir John Kingston James, Bart., sworn; and Examined by Mr. Doole.

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Witness was treasurer of the city of Dublin; ceased to be treasurer on the 1st of April 1842; was dismissed from the treasurership by the present corporation. Made an application for compensation; it was resisted; ultimately it was granted.

Mr. Hayward stated that he had this case already on his notes: that the corporation, in the exercise of the discretionary power vested in them, dismissed this gentleman: that the case came before the Queen's Bench, and that they considered him entitled to compensation; in other words, that the corporation had no just cause for dismissing him.

Mr. Hugh Stensley, sworn; and Examined by Mr. Toole.

Witness is solicitor to the grand jury of the city of Dublin. Received directions from the grand jury to proceed against the Lord Mayor, to compel him to give up the standard weights and measures that were provided for the citizens of Dublin by the grand jury, under the statute of Geo. 4; applied to the Court of Queen's Bench for a mandamus against the corporation, which was obtained on argument. Cannot exactly say what the costs of the grand jury were on that occasion; they must have been 100*l.* at least; it was a very expensive proceeding, and after getting a consensus to argue, the corporation applied to set it aside, and to compel the grand jury to plead. On argument, the Court decided against the corporation. Does not know what the costs of the corporation were; supposes they were something about the same amount as the grand jury's costs. After getting a peremptory mandamus, a portion of the weights were delivered up. Under the Act, the Lord Mayor is empowered to hear complaints of the inspectors of weights against persons for using false weights. The inspectors require a warrant either from the Lord Mayor or from the magistrates, to authorize them to enter into the shops; knows of no complaints having been made before the Lord Mayor, with respect to false weights and measures, farther than the inspectors told witness.

Mr. Charles B. Moss, Re-examined by Mr. Toole.

Witness applied to the Lord Mayor for summonses against persons for using false weights and measures. Witness in the first instance applied to Alderman Arabin; he at first said, "of course; that it was no compliment to give them; that it was his duty to do so." On a further interview, he told witness that he had communicated with their law-agents, thinks he said the solicitors of the corporation, and that he was advised by them not to recognise witness at all as inspector; and under these circumstances he told witness in the most polite manner, not to blame him for refusing to grant the summonses, and not to think anything he said to him came from him personally; that he was acting under the advice of their legal advisers.

Cross-examined by Mr. O'Hen.

Witness applied to the magistrates for a warrant, to enable him to act as inspector, and they granted it. Applied also to the police magistrates for summonses against persons for using false weights, and they would not listen to witness's complaint; they said they had no jurisdiction in the matter. Applied to Alderman Keshan for summonses; then went to the secretary's office at the Mansion House, and the secretary told witness that he had received directions not to grant him the summonses, though witness offered him the money for them.

Mr. Thomas Mulholland, sworn; and Examined by Mr. Toole.

Witness held the office of high constable under the old corporation; continued to hold that office under the new corporation until the election which witness thinks took place in the year 1842. Witness voted at that election against Lord Morpeth. Mr. O'Connell was Lord Mayor at the time. Mr. O'Connell dismissed witness immediately after his voting. Had been canvassed previous to the election to vote for Lord Morpeth, by Mr. Flower, of Church-street; cannot say he acted on behalf of Mr. O'Connell; he came to witness and asked him how he intended voting at that election; witness said he had rather not vote at all; Mr. Flower said if he did not vote he would be turned out, and that it was only by voting that he could retain his office; he said that if witness did not use every exertion and all his influence for Lord Morpeth, he would be turned out. Mr. Flower is a pin manufacturer, who always went with that side. At the time witness was dismissed, Mr. O'Connell said he had lost his confidence. Mr. O'Connell was asked by one of the council how witness had lost it, and he said he would not answer that question. This was immediately after the election. Cannot say whether Mr. Flower was one of the election committee on the part of Lord Morpeth, or not.

Cross-examined by Mr. O'Hen.

Witness. His salary was then 100*l.* a year; but 20 per cent. was taken off it until the corporation could afford to pay it up.

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Mr. O'Hea. Did you get a situation since?

Witness. My son got one. Witness supposes that situation is more valuable than the one witness lost. The man for whom witness was turned out, Mr. Gregory, got that situation for his son.

Re-examined by Mr. Tomb.

Witness has been out of office nearly four years; had been appointed to the office of high constable by Sir John Kingston James, subject to the town council approving of witness, which they did.

Mr. Hayward. The question is whether political considerations have influenced the corporation to lean to one side or the other. Here you find a man against whom there was no find, turned out of his situation.

Witness. I was 20 years representative of the Guild of Merchants.

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Isaac Batt, Esq. q. c., sworn; and Examined by Mr. Tomb.

Witness is a householder in the city of Dublin, and an alderman of the corporation. Is acquainted with the manner in which Dublin is divided into wards; the only sources of information witness had on the subject were public documents; has obtained the rating from the poor-law valuation; did not himself go to the poor-house to obtain the rating of the wards, but sent a friend for that purpose. It appears to witness that the wards in Dublin are very unequally divided in every possible respect; that there is no equitable principle adopted in the division of the wards. In the paper which witness now hands in, the rating is taken from the poor-law books, and the statement as to inhabited houses from Thos's Almanack, which professes to give the census of 1841. The following is a copy of the paper.

Aggregate Rating in each Ward.										Inhabited Houses.
On the South Side.										
							£.	s.	d.	
College Ward	-	-	-	-	-	-	30,677	-	-	1,031
Mention Ward	-	-	-	-	-	-	53,292	-	-	1,112
Stephen's Ward	-	-	-	-	-	-	80,006	-	-	1,026
Andrew's Ward	-	-	-	-	-	-	72,831	-	-	1,296
Castle Ward	-	-	-	-	-	-	34,503	-	-	1,079
Patrick's Ward	-	-	-	-	-	-	46,973	-	-	1,776
Ardeon's Ward	-	-	-	-	-	-	31,496	-	-	1,502
Catherine's Ward	-	-	-	-	-	-	18,465	-	-	919
James's Ward	-	-	-	-	-	-	21,830	-	-	1,604
On the North Side.										
Paul's Ward	-	-	-	-	-	-	16,612	-	-	998
Four Courts Ward	-	-	-	-	-	-	18,379	-	-	1,301
Linen Hall Ward	-	-	-	-	-	-	55,988	-	-	1,765
George's Ward	-	-	-	-	-	-	69,335	-	-	1,691
Post Office Ward	-	-	-	-	-	-	48,671	-	-	1,142
Custom House Ward	-	-	-	-	-	-	55,677	-	-	2,214

Witness. There are tenements rated, that are not inhabited houses; and on the other hand, there are inhabited houses that have not been rated. He had not examined other localities, and could not speak as to them.

Mr. Tomb here handed in the following tables, which he stated appeared to him to be very important.

Mr. Hayward permitted the tables to be handed in as calculations, which he said he and Mr. Brassington should verify themselves; they did not take them as evidence, but as a mode of taking the figures suggested by Mr. Tomb.

W A R D S.	Number of Houses entitled to the Municipal Franchise, that is, 10L and upwards.	Amount of Valuation Gross.	Quota of Representatives the Ward is entitled to with respect to the Houses.	Quota of Representatives the Ward is entitled to in respect of Property.	Quota of Representatives the Ward is entitled to from Houses and Property combined.
		£.			
College - - - - -	942	38,224	3,373	3,450	3.3
Merrion - - - - -	942	37,903	3,340	4,730	3.0
Stephen's - - - - -	1,000	79,270	3,409	7,174	3.3
Andrew's - - - - -	1,404	72,611	4,680	6,076	3.7
Castle - - - - -	1,001	35,331	3,637	3,213	3.5
Patrick's - - - - -	1,603	45,335	3,450	4,106	4.8
Anderson's - - - - -	1,350	31,000	4,403	2,805	3.6
Catherine's - - - - -	853	18,561	2,635	1,650	2.3
James's - - - - -	848	30,904	2,503	1,592	2.4
Paul's - - - - -	776	17,698	2,578	1,628	2.1
Four Courts - - - - -	983	18,235	3,110	1,659	2.4
Linen Hall - - - - -	1,820	63,196	6,067	5,629	5.6
Post Office - - - - -	1,150	50,192	3,540	4,341	4.9
George's - - - - -	1,541	66,694	5,137	6,217	5.7
Custom House - - - - -	1,509	58,183	5,337	4,723	3.6

No.	W A R D S.	Tenements Rented.	Net Annual Value.	Tenements rented under 10L.	Net Annual Value.	Tenements rented at 10L and upwards.	Net Annual Value.	Average Value of each Tenement, at 10L and upwards.
			£.		£.		£.	£.
1	College - - -	1,373	38,400	299	1,175	982	36,224	38
2	Merrion - - -	1,130	35,969	248	975	940	31,993	36
3	Stephen's - - -	1,120	79,769	101	490	1,099	79,270	77
4	Andrew's - - -	1,399	72,534	118	673	1,404	72,661	51
5	Castle - - -	1,002	35,335	101	624	1,091	35,331	32
6	Patrick's - - -	2,008	45,335	271	1,309	1,635	45,331	27
7	Anderson's - - -	1,343	31,000	266	1,025	1,330	31,000	32
8	Catherine's - - -	1,231	18,561	276	1,044	845	18,561	31
9	James's - - -	1,353	30,904	505	1,609	848	30,904	34
10	Paul's - - -	1,055	17,698	279	1,205	740	17,698	33
11	Four Courts - - -	1,478	18,235	545	2,096	603	11 37	19
12	Linen Hall - - -	2,076	63,196	946	1,346	1,820	63,196	34
13	George's - - -	1,541	66,694	499	1,022	1,541	66,694	44
14	Post Office - - -	1,278	50,192	125	804	1,153	50,192	43
15	Custom House - - -	2,005	58,183	1,006	3,772	1,093	52,183	32

Mr. TOWN called the attention of the Commissioners to the last column in each of the foregoing Tables, and he stated that, supposing property and the number of houses to be combined in order to determine the number of representatives, it would be found that as to the quota of representatives some of the wards would be only entitled to $2\frac{1}{2}$ th, and others to as many as $5\frac{1}{2}$ ths, whereas at present they were all equal.

Examination of Witness resumed.

Mr. TOWN. Have you any maps showing the old and new divisions of the wards?

Witness. That question with respect to the old and new divisions involves in fact a statement as to what were the old and what are the new. I cannot answer the question without going longer into detail than perhaps I ought to do in giving an answer to a question.

Mr. HAYWARD. You are giving us information.

Witness. Before the Municipal Reform Bill was passed the city of Dublin was not divided into wards at all. In the year 1836 the first proposed Reform Bill was introduced into

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into Parliament; that Bill contained a provision that Dublin should be divided into 16 wards, but it did not give the boundaries of the city, or of the wards; it, however, contained a clause that Parliament should in that Session pass a Bill regulating these boundaries. Very early in the Parliamentary Session of 1837 Commissioners were appointed by Government to divide all the towns in Ireland into wards, with a view to such legislative enactment. The date of the instructions to these Commissioners is 12th of February 1836. They were directed to adopt the Parliamentary boundaries, that is the boundaries of the towns for the purposes of representation, as settled by the Reform Bill; these boundaries included a great deal more, especially in Dublin, than the present municipal boundaries. The Commissioners when they came to divide the towns into wards, found the Parliamentary limits so manifestly unsuited to the purpose, that, in addition to dividing the space within these limits into wards, they laid out new boundaries, which they recommended as the borough boundary, and which have since been adopted. The Commissioners, one of whom was Colonel Jones, divided Dublin within the restricted limits, not as it is now, into 15, but into 16 wards; nine of which wards were on the south side of the city, and seven on the north. I have here the Commissioners' Report, and this (Witness points to the map) is an exact copy of the boundaries, laid out in colours, in the map by Colonel Jones. This was done in the year 1836 by the Commissioners. Their Report, instructions, and everything relating to the subject, will be found in the Parliamentary Papers of 1837, the 25th volume of the Commissioners' Reports. As to the instructions, the only instructions given to the Commissioners, and which bear date the 12th February 1836, were these:

"INSTRUCTIONS for the Gentlemen appointed to propose new Boundaries for the Towns named in the Schedules of a Bill now before Parliament, intitled, 'An Act for the Regulation of Municipal Corporations and Borough Towns in Ireland,' and to divide the Cities and large Towns named in said Bill into Wards.

"1st. Whenever the ancient limits of any city or town embrace all that may be properly considered as the town, and a sufficient space beyond to allow of any probable increase of the town, the ancient limits are to be retained.

"2d. Where the town extends beyond the ancient limits, a new boundary is to be proposed.

"3d. In case a city or borough, having a suburb near but not contiguous to it, it will be necessary to consider whether such suburb should be included within the municipal boundary, regard being had to the nature of the population of such suburb, whether commercial, manufacturing, or agricultural, and their connexion with the town; to the extent and occupation of the ground separating such suburb from the town.

"4th. You will adhere to the old boundaries when practicable, but when they embrace an extensive rural district, the latter must be cut off and new limits drawn, so as to confine within the proposed boundary what may properly be called the town and no more, observing that the inhabitants included within the limits will be subject to the payment of the town rates for police and other purposes.

"5th. The number of wards into which the cities and boroughs are to be divided will be communicated to you. The divisions are to be made so that the wards may be as nearly equal as may be practicable; streets, streams, and local boundaries being preferred as the boundary lines.

"6th. Particular attention must be paid in the description of the boundaries, and in the lines of division of wards, so that the same may be traced on the ground without the aid of a plan. For this purpose it is required that the description should commence at some well-defined point, and be carried regularly on by roads, streets, streams, and local boundaries, where such can be obtained. When straight lines are proposed they should be drawn from one well-defined point to another, or in the direction of a well-defined object. Bearings by compass are not to be assumed as the sole mode of determining the direction of any portion of the boundary, but merely as descriptive of the general direction which it is proposed to take.

"7th. Whenever ancient limits are proposed to be retained, a complete description of such limits is to be given, with reference to the lines and objects on the ground, so that the same may be traced in future without the necessity of referring to any previous charters or other documents for parambulation.

"8th. On the outline plans which will be supplied by you, the ancient limits must be inserted, as well as the new line which may be proposed as the future boundary.

(signed) "T. Drummond."

Witness. Consequent on these instructions, and on Colonel Jones adopting the restricted boundary, the division of the wards made in the map which I put into your hands was recommended by him. I am not able to find the Bill that was brought into Parliament in 1837; but in 1838 a Bill was also introduced, in which the same provisions as those of the Bill of 1836 were inserted. It provided that in the same Session a separate Boundary Act should be passed; but when that Bill went up to the Lords, the House of Lords insisted that the boundaries should not be settled by a future Act, but should be included in the original Act; and when the Bill came down from the Lords it had a schedule added to it dividing the boundaries as in the map before you: that was in 1838, and that is the first Bill in which the division of wards appears to be settled by the Act of Parliament. That Bill was thrown out. In the year 1839 a Bill was introduced, also containing boundaries, but departing

departing on the north side from Colonel Jones's division. The Bill of 1839 brought in the division of the wards as they are at the present day.

Mr. Heywood. Who brought in that Bill?

Mr. Ford, Lord Melbourne's government.

Witness. It never has been disclosed who made out that division. I told you that the Bill of 1839, as amended by the Lords, followed exactly Colonel Jones's division. The Bill of 1839 followed Colonel Jones's division exactly on the south side; but on the north side, instead of giving seven wards, it altered the number of wards to six, and of course, in doing that, altered the divisions very materially. It extinguished altogether Thomas's Ward; that you will see from the two maps. Now in the passage of the printed statement which we handed in to you, in which we complain of the alteration of the wards, it was to this alteration it referred, and it complains that this alteration was not made on the Report of responsible commissioners. I take it on myself to say, that there was no Report of any commissioners on the subject. It was a very singular thing in that alteration, that while it diminished the number of wards from seven to six, it at the same time diminished the size of some of the wards. If you take this map, which shows the present division of the wards, you will see that it diminishes St. Paul's Ward; that St. Paul's Ward, in Colonel Jones's plan, went further down the river than it does in the present plan; and that the Four Courts and St. Paul's Wards were by that alteration thrown higher up. I think the Four Courts Ward was also diminished; but St. Paul's Ward is the one in which this diminution can manifestly be seen. In the same way part is brought off from the Four Courts Ward, and brought up to the Linen Hall Ward; and then a very remarkable alteration takes place in George's Ward. We now see in George's Ward (which, with the exception of the Custom House Ward, is the largest ward on that side of the city) a large part above Dorset-street (which on the old plan was in the Linen Hall Ward) taken out and thrown into George's Ward; and the Linen Hall Ward thrown proportionally down on the Four Courts Ward; and Thomas's Ward divided between the Post Office Ward, the Linen Hall Ward, and probably the Custom House Ward; the effect of that was immensely to enlarge both George's Ward and the Linen Hall Ward, and to diminish Paul's Ward, and I believe also the Four Courts Ward. I have no hesitation in saying that the effect of that was to give to what we may call the democratic interest a very much greater power over the other wards. Had George's Ward been left in its original state, the representation of that ward would have been the same as it is at present. It is one of the conservative wards. A portion of that ward was formerly in the Linen Hall Ward. George's Ward is in a very good part of Dublin, and contains an immense preponderance of persons in the conservative interest. That portion was taken out of the Linen Hall Ward and thrown into George's Ward; by that means leaving the representation in George's Ward as it was before, but taking away a considerable class of good houses from the Linen Hall Ward, and on the other hand bringing into the Linen Hall Ward districts of the city occupied by an inferior class of persons; by that arrangement giving a very decided preponderance in the Linen Hall Ward to the democratic party; whereas if it stood as it originally was, the Linen Hall Ward would probably be conservative. In this distribution of these wards it appears to me the relation of the political parties on the north side of the city is materially altered. You see the wards on the north side of the city were reduced from seven to six. The number of inhabited houses on that side of the city by the census of 1841 was 9,212, and on the south side, 10,895; so that if the wards were distributed by the number of inhabited houses, the north side would be entitled to them in the proportion nine to ten. As to property, I think the south side of the city is rated at about 400,000*l.*, and the north side of the city at about 260,000*l.*; and I think the compound proportion would probably be found to come very near nine to seven. Now the alteration from the Report of Colonel Jones occurred for the first time in the Bill of 1839, and there is no document showing how that alteration was made.

Mr. Tusk. Do you know, of your own knowledge, how that alteration was effected?

Witness. No; I have heard, and I think it right to say I believe the statement put forward to the Chief Secretary to be the true one.

Mr. Tusk. You heard it stated here that the division was made with a view to the poor-law, and that the Municipal Act merely copied the poor-law division?

Witness. I can only know that, of course, by public documents; but the contrary is perfectly manifest, and that the poor-law division was taken from the Municipal Bill, and not the Municipal Bill from the poor-law. Mr. Earle, the Assistant Poor-law Commissioner, was directed to divide Dublin into two divisions for the purposes of the poor-law; and he made his report on the 31st of May 1839, which was after the Bill of 1839, containing the present division of the wards, was introduced into Parliament. That report was subsequent to the introduction of the Bill of 1839, which first contained the present division of wards on the north side of the city; and in that report he states as follows: "Having thus assigned my reasons for suggesting the formation of two unions, and for the areas to be included in each, I shall proceed to speak of their subdivisions into electoral divisions and wards. The inconvenience likely to arise from the creation of different divisions of the city, for various municipal purposes, naturally induced me not to disregard the probability which exists that the Bill now before Parliament for effecting changes in the corporate bodies of the principal cities and towns of Ireland, will before long become law; understanding also that the boundaries proposed in the Bill for the future municipality of Dublin, and for its subdivisions into wards, were not likely to undergo any modification, and considering them also to be as suitable for the purposes of the Poor Relief Act as they appear judicious for their present object, I venture to propose the adoption of them without any deviation. If this be approved the city electoral division in each union will comprise nearly all that

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can fairly be called a part of the city and suburbs; and the wealth of the whole will by this arrangement be brought to contribute towards the maintenance of the entire destitution."

This proves that the division for the poor-law was made from the Municipal Bill when it was before Parliament, and Mr. Earle adopted that division for the purposes of the poor-law. It appears that, even in the division of the south side of the city into wards, the instructions have not been followed. The wards are not equal, in any respect, over the city. It appears to me that the division on the north side of the city, laid out by Col. Tel. Jones, was certainly a fair one, but on the south side of the city it certainly was not. They are not equal in any respect. In population the wards vary from 20,000 to 10,000, and in area from 67 to 420 acres. Neither did they follow the ancient division of the parishes. If you take either of these maps you will see that Patrick's Ward, lying in the centre of the city, which is a very large one, runs in the most fanciful direction possible. Now Patrick's Ward includes a portion of nine different parishes, in addition to the liberties of Carn's Church; so that, in fact, there might be said to be included in it parts of ten different parishes, and it does not follow any system of division whatever. These wards, in the Irish Bill, were settled by the Act of Parliament. In the English Bill it was provided that they were to be settled by barristers, with an appeal to the Privy Council; and whereas in the Irish Bill each ward got the same number of representatives, in the English Bill the barristers were directed to apportion the number of representatives to each ward, partly in proportion to the number of inhabitants, and partly to the aggregate amount of rating.

Independent of the unequal division of the wards in Dublin, there is another very remarkable difference between the English and the Irish Bills. In Ireland, St. Paul's Ward, which has 938 inhabited houses, and which is rated at 16,612*l*, returns the same number of representatives as George's Ward, which has 1,631 inhabited houses, and is rated at 69,333*l*. If the principle of the English Bill had been adopted, George's Ward would have returned nearly three times as many as Paul's Ward. From my knowledge of Dublin, and from having perhaps taken some part in the political contests of Dublin, I should say that, if the wards were laid out for the express purpose of giving the ascendancy to one party, the object could not be more completely effected than it has been on the south side of the city. I showed you that on the north side of the city; I think I shall be able to show you the same on the south side of the city; I can only speak of the result. If the wards on the south side of the city contained the same number of inhabited houses, each ward would contain about 1,250. If you look at the College Ward, you will see that the boundary, after passing the college wall, instead of going on straight, goes down in a direction which appears fanciful, and throws a little parallelogram into Merion Ward; and that little part contains houses of a lower class than the rest of Merion Ward. If the division of the College Ward had run on straight, it would have been an average ward, both in number of houses and a rating; at present, it is below the average in both. By throwing that little portion of it into Merion Ward, the effect of it is to give the democratic party an additional number of votes in Merion Ward, which was a contested ward, and to remove them from the College Ward, which is entirely in their hands; that deviation had the effect, both in the rating and number of houses, of reducing the College Ward below the average. In the same way in Patrick's Ward, as at present constructed, a great number of houses are brought into it by a long little tongue, which you see running down to the river, and which appears to be thrown into Patrick's Ward without any reason. I am quite justified in saying then, that, to the best of my judgment and belief, the wards at present are so arranged as not fairly to locate the houses of the different classes according to their local position; but if it had been stolidly designed to overpower the better class of houses in each ward, that object could not have been better attained than by the present arrangement. The result of the whole I say to be this, that the minority possessing property have not that share of representation in the council of the city which the allocation of the city into wards was designed to give them.

Mr. Town. Can you state what the practical result of this has been, from your experience as a member of the corporation?

Witness. The practical result has been to give one party an ascendancy in the corporation much greater than they should have.

Mr. Town. I wish to ask Mr. Butt a question respecting the distribution of patronage. From your experience in the corporation, has the patronage been given with a view to party purposes or otherwise?

Mr. Hayward. I would suggest that, as a list has been given by the promoters of the Bill of the parties that have been appointed, you had better let it rest there; it is such a matter of opinion; and a gentleman has already said, on his oath, that he did not think the patronage was so distributed.

Sir Colman O'Loughlin. I shall feel it my duty to press one or two questions on that subject.

Mr. Hayward. Sir Colman O'Loughlin wishes to cross-examine as to this point, which, I confess, I would rather see excluded.

Mr. Town. Have you heard any statements made by members of the corporation as to their being influenced by political motives in the election of their officers?

Witness. So far, I have heard it stated repeatedly, in public and in private, by members of the corporation, that they would be influenced by such motives in the distribution of their offices, and that they would appoint those who agreed with them in political opinion.

Mr. George (counsel for the Wide Street Board), stated that as to the constitution of that body he was satisfied with the answers the Board had already given. There was another question as to the rating of property, and all he should do with respect to that would be to read from the printed statement, which had been handed in to the Commissioners, two paragraphs which he adopted for his purpose, to show that the body who sought to

supply

supplant his clients did not represent the ratepayers of Dublin. The following was the only part of that statement that he thought it necessary to adopt; viz. "Dublin is at present divided into 15 wards, differing immensely in the property, the extent, and the inhabited houses included in each. In London the wards return members to the common council, ranging in number from 2 to 16, according to the wealth and importance of the ward. In Dublin, however, each ward returns the same number without any reference whatever to the wealth, the taxation, or even the inhabited houses. A comparison of some of the wards thus returning the same number of representatives, will manifest at once the unreasonableness of this arrangement."

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—			—		
	Inhabited Houses.	Amount of Rating.		Inhabited Houses.	Amount of Rating.
		£.			£.
Stephen's - - -	1,055	79,379	Four Courts - -	1,301	18,535
Andrew's - - -	1,096	72,661	Catherine's - -	910	18,501
George's - - -	1,881	68,046	Paul's - - -	438	17,993
		296,087			54,803

"Thus it will be seen that three wards constitute nearly one-third of the entire assessment of the city, such being under 700,000 *l.*; that any one of these wards exceeds considerably in amount of taxation the aggregate of the three we have selected to compare with."

I would merely ask Mr. Butt, is that, according to his knowledge and judgment, a correct statement of the facts?

Witness. Yes, with this exception; I think you will find the rating there given of the wards not as accurate as the rating I took yesterday from the poor-rates.

Mr. Butt, cross-examined by Sir Colman O'Loughlin.

Witness. This paper (the printed statement) does not object to the corporation in general; on the contrary, thinks it expresses witness's own opinion.

Sir Colman O'Loughlin. I believe the objections stated in this paper to the present corporation, may be put under two heads; exclusiveness in politics and religion, and that it does not represent the ratepayers?

Witness. Yes, perhaps so; we state in this paper that we believe these alterations were made in the divisions of the wards on the north side of the city, as settled by the Boundary Commissioners, for the purpose of giving one party the ascendancy, but that no difference was made in the south side; believes Colonel Jones was the party who settled the bounds, and that he made a report on the subject; the wards were not settled in the Bill as sent to the House of Commons in 1838. The provision in the first Bill of 1830 was that of the subsequent Bill of 1837, which was followed by the Bill of 1838; and in 1838, the House of Lords wished to have a provision settling the boundaries introduced into the same Bill; that Bill was thrown out, and in the subsequent Bill the present division was introduced; was counsel against the Corporation Bill in 1841; spoke at the bar of the House of Lords; had of course the fullest opportunity for the consideration of the Bill; made no objection to the divisions of the wards on behalf of the then existing corporation, because witness appeared as counsel for the old corporation at the bar of The House to resist the measure of disfranchisement; there was no objection made to the division of the wards then at the bar of The House by witness. It was not part of his duty as counsel for the old corporation, in merely resisting the measure of disfranchisement, at all to go into the provisions; they instructed witness to oppose the Bill on the grounds that they ought not to be disfranchised. The present Bill was introduced in 1839; more than a year had elapsed from the time it was introduced until it passed, and there was the fullest opportunity of considering the division of the wards as then proposed; witness did state an objection to that division, but not at the bar of The House.

Sir Colman O'Loughlin. I believe it is a matter of history, that there was the fullest attention paid by the House of Lords to all objections made against the Bill?

Witness. The only alteration made in the division of the wards is that on the north side of the city, where the number of wards was reduced from seven to six; took the number of inhabited houses on the north side of the city from Thom's Almanac; stated that the rating on the north side was 400,000 *l.*, in round numbers, and 200,000 *l.* on the south side; that is something in the proportion of about nine to six; very nearly the proportion of the number of wards that at present exist.

Sir Colman O'Loughlin. You stated, Mr. Butt, that the effect of some of these changes made on the north side of the city was to give what you called an undue preponderance in certain wards. You instance the fact by stating, that the portion of the Linen Hall Ward that was put into George's Ward took away that proportion from the conservative interest in the Linen Hall Ward, and therefore the effect would be to add it to George's Ward, and make it more conservative than before?

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Witness. No, it did not make George's Ward more conservative than before; it was brought into a district in which the proportion of political opinion continued about the same as it was before. Suppose the conservatives were five to one there, it brought conservatives into a district where they were still five to one, therefore the proportion remained unaltered. The transfer from the Linen Hall Ward, while it altered the relations there, left George's Ward as it was before; from my knowledge of George's Ward the proportion continued much the same as before. There is a majority, most decidedly, of conservatives in George's Ward at present.

Sir Colman O'Loghlen here handed Mr. Butt a document, and asked him if it were in his handwriting?

Witness. It is. This is a return made by witness at the last election for George's Ward; it was severely contested; Mr. Walker had a very small majority over Mr. Stutch; does not think the election in the slightest degree interfered with the proportion at the last election, partly because the conservative citizens acquiesced an entire district for corporate matters, and partly because the contest was not expected. Nobody took the pains of attending to the registry; the conservatives were taken by surprise, and while they were inert the others were active; the fact was, that in George's Ward a repealer was very nearly returned; there was a majority of only 26 against him. Is not aware of the fact that a conservative agent attended the registry; does not live in that ward; now, all the representatives are conservatives in that ward. With respect to Andrew's Ward, believes the representatives of political opinions in it are three and one.

Sir Colman O'Loghlen. Have you any reason to believe what the result of the next election will be?

Witness. I believe that—

Mr. Toib objected to Alderman Butt answering the question as to his belief.

Sir Colman O'Loghlen. My only reason for asking him the question is, there is a kind of allegation in this statement.

Witness. I must say, that I think the allegation in that memorial a good deal mistaken; it is produced for the purpose of showing that, no matter who represent the wards of the city, they are not at present properly divided; I am certain Andrew's would decidedly be in the hands of the conservatives, except for their dislike for all corporate matters.

Mr. Hayward. These opinions will not be stated by us in our Report; we shall only go by the statistics as to the wards.

Sir Colman O'Loghlen. You stated it to be the result of the division of the wards that the most respectable classes of citizens are excluded in Stephen's Ward; can you state who was the last representative of that ward?

Witness. I believe Mr. McDonnell.

Sir Colman O'Loghlen. He is a very extensive merchant in Dublin?

Witness. A most respectable gentleman; he was put out and a solicitor put in his place; that is one of the wards which witness stated contributed most to the taxation of the city.

Mr. Hayward. What I wish you would bear in mind is, that the immediate question for us is, whether property is really represented or not in the corporation?

Sir Colman O'Loghlen. It is put forward by those who oppose this Bill, as one ground of their opposition, that all the patronage we exercise was given to persons of certain political opinions, and instances were given to show that they (the opponents) were in possession of the vast amount of property in this city; what I want to show is, that in the greatest number of those wards certain political opinions do prevail.

Mr. Hayward. It has been said by you, that certain Boards are constituted in a particular manner, so as to be open to political influence; and the instances given of this were, that the Dean of St. Patrick's used undue influence on one occasion and the Lord Lieutenant on another. In reply to that, it was said that the corporation has been uniformly influenced by considerations of some objectionable kind; that you allow yourselves, in the distribution of your patronage, to be influenced by repeal politics. If I admit evidence on one side, can I exclude it on the other? At the same time there must be moderation observed in this course, and the charge must be directly brought home. I will not report whether repeal opinions do or do not prevail in the corporation. The question is, whether they are carried to such an extent as directly to influence you in your local management; and until it is brought home to you in that manner, I think general opinion has nothing to do with the matter. I could not shut out evidence of a collector being appointed, who was afterwards changed with doing something for a political purpose. I do think you had better not ask any more about general opinion. We have nothing to do with repealers, as such; the general assertion that the corporation are influenced by repeal politics would not influence my mind.

Sir Colman O'Loghlen. Mr. Butt, you are a member of the corporation for some time. I see you state here in this memorial that it is exclusive in its politics and religion; can you state the number of Protestants that were in the town council on its first formation?

Witness. They were more than they are now.

Sir Colman O'Loghlen. Can you state the proportion?

Witness. No. I am anxious to explain that memorial as to the constitution of the corporation.

Sir Colman O'Loghlen (to the Commissioners). I understand a list of the officers of the corporation has been put into your hands, in which, after each officer, it is stated whether he was a Protestant or Catholic.

Mr. Hayward. In the course of this inquiry, I have again and again explained its particular

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ticular objects, which refer to local circumstances, and though we take in a great number of documents, it by no means follows that all these are to go into our Report; we must extract from them what we think material. Pray do not assume because a document is handed to me, that therefore it is to be reported.

Sir Colman O'Loughlin. There is a charge made against us that we are exclusive both in politics and religion; there are three or four questions that I would wish to ask. You were about stating something as to the constitution of the corporation?

Witness. What I was going to state was this, that in stating that the corporation was exclusive in politics and religion, that statement is guarded. I do not mean to say that a Protestant who was a repealer would not be as well received as a Roman-catholic, perhaps he would be better received in the corporation; but what I wish to observe in regard to that statement is, that from the division of parties on the subject of politics, their exclusiveness in politics necessarily entailed exclusiveness in religion.

Sir Colman O'Loughlin. Have you the slightest doubt that you, or any gentleman professing your religion, who was a repealer, would not be selected for a share of its patronage?

Witness. I think if I wished for it and turned repealer, I would not be excluded by my religion from being lord mayor. I wish to guard myself from its being supposed that the statement in that memorial was intended to convey anything else. I think you will find that stated in the memorial to be the result of its constitution.

Sir Colman O'Loughlin. Have you seen the religion of a party made to exclude any one from office in the corporation while you were in it?

Witness. No.

Sir Colman O'Loughlin. It is not true, as has been stated, that it is a sectarian body; and that in the distribution of its patronage it does all with a sectarian view?

Witness. No; I should say that it is not true.

Sir Colman O'Loughlin. You do not think the fact of a man being a Protestant would be a ground for his exclusion?

Witness. I am bound to say, from what I believe to be the opinion of the great majority of the corporation, I believe it is not the case.

Sir Colman O'Loughlin. Can you state whether the officers appointed by the corporation were competent to discharge their duties?

Mr. Hayward. We must assume that they were; why raise a discussion as to the character of these men when I tell you nothing has been proved against them?

Mr. Tumb. It is very unpleasant to drive us into the necessity of casting imputations on the characters of these gentlemen; you drove us yesterday to impeach the characters of some inferior officers.

Sir Colman O'Loughlin. I understand the charge brought against the corporation is, that they appointed men who were not competent to discharge their duties, merely on the grounds of their political and religious opinions.

Mr. Tumb. I never made that charge; but I said the corporation were influenced by political feelings; that they were entirely influenced by them in the appointment of all their officers, from the highest to the lowest; that charge I persevere in making, and I think I have established it. I did say they turned out of office competent persons who were quite competent to perform their duties, and that they burdened the citizens of Dublin with a compensation to these officers.

Sir Colman O'Loughlin. As long as you have been a member of the corporation have you seen an incompetent person appointed merely because of his politics and religion?

Witness. I think that I have seen that, in the choice of candidates, persons who were not so fit as others were elected because they held particular opinions.

Mr. Hayward. Do I understand you to say, you have seen that the fittest persons were not appointed; that there being persons who were more fit, the less fit were appointed?

Witness. I don't hesitate to answer the question in this way: I conceive the difference of a person holding the particular opinions that the majority of the corporation do, would outweigh superiority of qualification in any other opponent, and that it does so.

Sir Colman O'Loughlin. Do you mean to say that unfit persons have been appointed?

Witness. I don't feel myself competent to answer that generally. I have attended the corporation very little for the last three years; for the last two years I have not attended at all; and for the last four years I have not attended the committees. I resigned as member of committees in consequence of what I considered an act of injustice having been done by the corporation to a friend of mine, on account of his political opinions; therefore I am not competent to say whether all their subordinate officers were competent or not; I am bound to say I never saw any unfitness in any of the officers appointed to discharge their duties.

Sir Colman O'Loughlin. You are not aware of any incompetent person having been appointed?

Witness. I cannot say that incompetent persons have not been appointed. This is a very unpleasant question. I know of one or two dismissed persons who were appointed by the corporation who ought never to have been appointed, and who were selected because they agreed in politics with the corporation, in opposition to others who did not agree with them. There was an unfit man dismissed from the situation of collector, for delinquency; I believe he was elected on political grounds, and certainly his was not a proper selection; but the same thing might have occurred if elections were made without reference to political feeling. Generally, I cannot say that incompetent persons have been appointed.

Mr. Reynolds. We will show you that conservatives supported Carroll.

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Sir Colman O'Loghlen. We are done with Mr. Butt.

Mr. Hayward. There is no evidence whatever that the corporation ever knowingly appointed an unfit man; there is not the slightest imputation on the character of the corporation that they acted from improper motives.

Mr. Tomb. I do impute to them that they are influenced as men of strong political party; that they are influenced unfairly by a desire to give their patronage to persons who agree with them, and that they have turned out of office a number of persons perfectly competent to discharge the duties of their office, and replaced them by men qualified, one would think, from their happening to be much of the same way of thinking on matters of religion as themselves.

Sir Colman O'Loghlen. May I ask you, Mr. Butt, were you a member of the committee appointed for the purpose of considering whether they should retain their former officers or remove them?

Witness. I cannot remember.

Sir Colman O'Loghlen. Can you state, was Sir Edward Borough the chairman of that committee?

Witness. I cannot recollect; some officers were dismissed by a very small majority. McCready was dismissed by a majority, I think, of only one; I do not know why he was turned out; if I had happened to be there, he would not have been turned out; my vote would have kept him in; I was on circuit at the time.

Mr. Tomb. The only question arising out of this cross-examination that I wish to put is in reference to the value of property in George's Ward. You said on the last election, Mr. Stritch, a repeal candidate, was very near being returned for that ward; do you infer from that that any alteration has taken place in that ward in the value of property?

Witness. No, the property remains just as before. It was not owing to any change in the value of property that Mr. Stritch came so near the conservative candidate.

Sir Colman O'Loghlen. Mr. Commissioner, if you think it necessary, we will summon Colonel Jones, and examine him as to his motives in making the boundary of the city.

Mr. Tomb. If Sir Colman O'Loghlen produces Colonel Jones, I shall be very happy. There is not the slightest imputation cast on his motives.

Mr. Hayward. I do not think there is any necessity. We have Colonel Jones, an officer of very high character, stating his reasons in his Report, and, all he could do is to re-state here what he has already stated in it.

Mr. Tomb. In any that if they produce Colonel Jones, I shall feel it my duty to cross-examine him as to who assisted him in making the boundaries.

Sir Edward Borough, Baronet, sworn; and Examined by Mr. Tomb.

Witness was appointed chairman of a committee of the corporation on officers and officers; on the 15th December 1841, the whole house of the town council resolved itself into a committee to consider the propriety of appointing committees for different purposes, and amongst others that for ascertaining what the duties of the officers of the corporation then were, and who the persons were who performed them; Mr. McCullagh moved the appointment of that committee, and witness seconded him. Witness was named on that committee, and he begged to be excused from serving on it; but at the particular instance of Mr. O'Connell, who was then lord mayor, he served on that committee, and they appointed witness their chairman. There was a report made, generally stating what officers were under the corporation; and believes one or two old officers who were quite incompetent to discharge their duties were recommended to be removed. It is not the fact that witness moved the adoption of that report, as was stated yesterday.

Sir Colman O'Loghlen. That was a mistake.

Witness. Did not support that report so far as it related to the dismissal of officers, for as chairman of the finance committee he knew that the funds of the corporation would not admit of their giving the compensation to the outgoing officers that it was necessary to give them on their retiring.

Mr. Hayward. Is it necessary for you to go into this, Mr. Tomb?

Mr. Tomb. It was stated in the papers yesterday, and it has gone abroad that this gentleman moved the adoption of that report, and he wishes to contradict that statement.

Witness knows the opinion of the great body of the merchants and tradesmen of Dublin in respect of this Bill from having heard many gentlemen express their opinion to witness of what was the almost unanimous feeling of all the respectable householders in Dublin on the subject; they are opposed to this Bill; that opposition is not confined to religion or politics in any way. Witness knows a great many persons professing the religious opinions of the majority of the corporation, who are opposed to this Bill; this opinion was stated to witness by gentlemen of both persuasions.

Cross-examined by Sir Colman O'Loghlen.

The ground of the opposition of these persons was, that they had no confidence whatever in the body to whom the increased powers were proposed to be given. That appeared to be the opinion of all respectable persons who conversed with witness. Was chairman of the meeting at the Rotundo.

Witness signed the report now produced to him, dated February 1842, in reference to the dismissal of officers by the corporation. It was adopted. Witness drew up that report himself;

himself; concurred with it, but objected strongly to the dismissal of persons who were competent to discharge their duties, and who were dismissed (witness verily believes) on account of their political opinions. Is not prepared to state whether or not the compensation given to the officers who were dismissed was charged on the borough property, or whether the new officers paid the compensation out of their salaries. Witness left the corporation in 1842, and it was after that the arrangement was made.

The meeting at the Rotundo, of which witness was chairman, was composed exclusively of persons opposed to the Bill. Believes that persons of all parties were in the room at the Rotundo. The meeting, though decidedly opposed to the Bill, represented the feelings of the vast majority of the respectable inhabitants of the city.

Mr. Pierce Stephens, sworn; and Examined by Mr. Debla.

Witness. Is weighmaster in Smithfield. Is paid by fees. There was an action brought against witness by an officer of the lord mayor, for weighing in opposition to the lord mayor's authority. Witness succeeded in that action.

Mr. Ford. The action was brought by the weighmaster under the Act of Anne, claiming the appointment to the office of weighmaster for the lord mayor, and it is still *sub lite*.

Witness. It decided the question so far as that I am allowed to discharge my duties there to the present moment. Witness is the representative of Mr. Todd, who held the office originally; has held the office since 1842. Mr. Todd held the office from the time Alderman Beresford was lord mayor. Witness was not appointed by any lord mayor; he was put into the office by his father, who had been weighmaster also, and who had been appointed by the lord mayor. Witness's office is for life. There was no interruption to the receipt of the emoluments of witness's office until the new corporation came in, when they claimed the exclusive privilege of weighing, and disputed witness's right of transacting the office of weighmaster in Smithfield. They said witness was not originally appointed by the lord mayor, and they tried to supersede him.

Mr. Ford objected to this evidence, on the ground that the record of the action should be produced, and his objection was overruled; he then stated that there had been two actions instituted, and that one of them was still pending; and he submitted that it was unfair to the lord mayor that the witness should go on and state on oath that which he said was not correct.

Mr. Hayward. The witness must not be interrupted by the assertions of anybody. I have heard you on a point of law, and have decided against you.

Witness. The action witness alludes to is the one brought against himself. Witness brought an action of trespass in the first instance. The lord mayor had several persons placed near witness's establishment to prevent him weighing; there was an assault committed between these men and witness's men. Witness was deterred from exercising his duty for 15 days, and he brought an action for the obstruction, to try the right, and succeeded in that action. Witness knows the practice in Smithfield at present. Does not know whether within the last 16 days there have been fraudulent loads in Smithfield, but there have been such loads there within the last six months. The hay and straw which are considered fraudulent are removed to a certain part of the market, and there thrown down, and if confiscated, they are sold on the spot. If a fine is imposed, the load is allowed to remain where it originally stood, and is exposed for sale; if a fine is imposed, it is not confiscated, but allowed to remain in the market; latterly, witness has not seen loads confiscated, and should suppose that the fining system is going on to a certain extent; witness himself saw a fine levied on Saturday last; knows of hay having been confiscated within the last six months; has seen the heads selling loads of hay and straw within that time; has seen both confiscation and fine taking place; knows what happened before the last six months; it was the same system exactly; does not mean that the same load had been confiscated and fined; when it is confiscated, it is sold as bad hay fraudulently made up; does not know what is done with the proceeds of the sale. Witness recovered 10*l.* in the action.

Mr. Ford. I am not going to defend the frauds of Smithfield.

Cross-examined by Mr. Ford, in the absence of Counsel.

Witness. His predecessors, Mr. Moore and Mr. Todd, took out annual warrants from the lord mayor; witness never took out one; he really did not think it necessary to do so.

Mr. Hayward. The fact is, the dispute between you and the lord mayor stands thus: he says you should take out a warrant, and you say you need not.

Witness. The lord mayor of that day wanted to supersede me in the discharge of my duties altogether; I don't think he would have granted me liberty to discharge my duty there at all. Witness never took out a warrant, as he did not think it necessary to go to the expense of ten guineas for one. Is aware his predecessors used to pay 10 guineas for a warrant; holds office since 1842. Mr. Stevenson was appointed the borough weighmaster of Dublin, and he brought the action which is now pending against witness.

Under the Statute of Anne, the lord mayor should have appointed a weighmaster for the borough, and once he was appointed the right of appointing the officers under him vested in that weighmaster. When the first action was brought, the lord mayor was wrong in having interfered without the legal right to do so; he then appointed Mr. Stevenson, and the latter brought his action against this gentleman, which is now pending. I admit the

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first action was not defended by the advice of counsel. On the trial of the second action, a question arose as to whether the weighmaster was, under the warrant, a weighmaster for life or during pleasure; and the Chief Baron consulted the plaintiff, with liberty to turn the point into a verdict for the defendant, according to the decision on the point of law, and that point is now before the court.

Mr. Ford. Do you know of any person whose lay has been confiscated, and the date of the confiscation?

Witness. I have no recollection of it. If I had thought I should have undergone this examination, I would have been prepared by a reference to the books. Witness believes the bundle he saw at Smithfield was the bundle of St. Paul's parish, and that he is not a corporate officer.

Joseph Boyce, Esq. sworn; and Examined by Mr. Dobbs.

Witness. Is an alderman of the city of Dublin; has been a member of the present corporation since its formation; does not recollect any one appointment having been made by the present corporation of any officer who was not a person in favour of a repeal of the Union; Mr. O'Connell mentioned in his place in the City Assembly House, that, if witness would now repeal principles, he would undertake that witness should be elected lord mayor next year. Recollects the time Mr. Guinness was elected to fill the vacancy in the office of treasurer to the corporation; there were two elections held on that occasion; some persons who had voted for Mr. Guinness on the first election, voted against him on the second; and they assigned as a reason for their second vote, the pressure that was put on them in consequence of Mr. Guinness not being a gentleman that held repeal principles.

The corporation from its present constitution cannot fairly represent the intelligence, numbers, and property of the city of Dublin. Witness's conception of the present division of the city into wards, is, that eight wards return a majority of members in the corporation, while these eight wards represent only one-third of the value of the property of the city of Dublin. Thinks that the amount of property comprised in three other of the wards is nearly as much as that which is contained in these eight wards. There are four wards, namely, Stephen's Ward, Andrew's Ward, George's Ward, and the Linen Hall Ward, which nearly represent the majority of the property of the city of Dublin, and the amount of rating represented by three of these wards is 220,027 *l.* Is aware of the present boundaries of the wards in the city of Dublin; knows nothing regarding the way in which these boundaries were originally made, more than was proved this morning by Alderman Butt; one of the present officers of the corporation told witness that he had been a poor-law valuator at the time the boundaries were laid out.

Mr. Ford objected to the witness stating what had been told to him.

Witness. The practical effect of the present division of the city of Dublin into wards is, that the citizens are not represented, and that property is not represented. Is aware that it was proposed by the present corporation to pension off several officers that were able and willing to do their duty. Witness opposed that proposition. Knows of officers that were pensioned off who were able to do their duty, and no proposal had been made to these officers before they were pensioned off to remain in office at lower salaries.

Mr. Dobbs. Produced a list of the officers of the old corporation who were retained by the present corporation, according to the return made to the Commissioners by the promoters of the Bill.

Witness. I have read in the newspapers that it was given in evidence here before the Commissioners that there were 24 Protestants at present in office who had been employed by the old corporation, but who might have been dismissed by the present corporation without compensation, and I want to show that this is not the case. I called on the gentleman who proved that statement here, in the hope that he should have corrected it, and have avoided putting me in the unpleasant position of contradicting it. That gentleman rather justified his assertion, and stated that he got his information from the treasurer's office; therefore I am prepared to show that this statement is not according to the fact.

Mr. Ford. The question depends on the fact as to whether all these officers were or were not elected by the present corporation.

Witness. The first person named on this list is Sir Drury Jones Dickenson: in this instance the statement was quite right; he was an officer employed by the last corporation, and he might have been dismissed without compensation by the present corporation. The next on the list are the two Croftons; they had been employed by the old corporation, and they would, if dismissed, have been entitled to compensation. The next person named is Richard Laurence; he is in the same position. The witness in this manner went through the list which had been handed in on behalf of the promoters of the Bill of the Protestants employed by the present corporation; and he distinguished the officers that would have been entitled to compensation, if dismissed, from those who would not have been so entitled; and he stated with respect to the names of three persons whose names were returned on the list as Protestant officers now employed by the corporation, viz. Robert Hutton, Robert Richardson, and Alexander Faulkner, that they were all dead, and that Alexander Faulkner had been dead since December 1844; and with respect to Mr. — Smith, whose name appeared on the same list as a Protestant officer, with a salary of 700 *l.* a year, paid by the corporation, witness stated that his salary was not paid by the corporation, but by the grand jury of the city of Dublin; that he thought the corporation could dismiss him; but that if they exercised that power they should pay him a pension, and could not appoint his successor;

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that the attempt had been made in the corporation, but it was found that they had not that power. With regard to Mr. Carpenter, whose name was also returned on the list, witness stated that the Act of Parliament which abolished the prison of which this gentleman was then the keeper, made it imperative on the corporation to pay him a certain pension.

Mr. Hayward. Out of these 24 persons who might have been dismissed without compensation, how many have been retained?

Witness. I think two.

Mr. Dobbs asked the witness if he had a list of the officers who had been employed by the old corporation, and who were pensioned by the present corporation.

Witness produced the list referred to, and said some of the pensioners mentioned in this list were not competent to do their duty, and it was right that they should have been parted with; but the great bulk of them were competent, and should have been retained.

Mr. Towl. These lists were put forward by Mr. Reynolds, in proof of the great liberality and kindness that has been shown by the corporation to Protestants.

Witness here went through the pension list, and distinguished the names of the officers contained in it who were capable of doing their duty from those who were not capable, and he stated, with reference to Sir John Kingston James, whose name appeared on the list, that no man was more competent to discharge his duty than he was, and that he was receiving a pension of 335*l.* from the corporation.

Mr. Ford. Mr. Costigla, the present treasurer, gets a salary of 550*l.* a year, and he has to pay a clerk out of that salary, and he gets no interest on the sum of 5,000*l.* that he lodged as his security.

Witness. It is quite the same to the corporation whether you call this a salary of 550*l.*, and no interest on the 5,000*l.*, or a salary of 350*l.* a year and interest.

Mr. Hayward. The only question of the least importance to this inquiry is, were officers capable of doing their duty pensioned off by the corporation. Let me have a list of these officers who were pensioned off in such a manner as to become a burthen to the corporation.

Witness. I say they were all competent to discharge their duties, with the exception of Mr. Fitzgerald, Mr. Faulkner, and Mr. McCleary.

Mr. Hayward. The cases I want are where men were pensioned off by the corporation and their offices retained, and the result of the transaction was, that the public were losers by the change.

Witness. The cases of this nature are those of Mr. Butler and Sir John Kingston James.

Mr. Hayward. The principal facts as to Sir John Kingston James have been already laid before me, therefore it is not at all necessary to go into his case.

Witness. Mr. Butler was dismissed with a pension of 444*l.* a year, a man perfectly competent to do his duty.

Mr. Hayward. In that case I understand there was a saving to the corporation of 200*l.* a year.

Witness. What we complain of is, that the alternative was not given to Mr. Butler to remain in office at the reduced salary.

Mr. Hayward. That topic was pressed on us yesterday.

Mr. Ford. You will allow me to give an explanation: the charge against Mr. Butler was, that his duty was not performed; he said his office was a sinecure; he charged 1*l.* where his fee was only 5*s.*; all this appears on his own evidence before a committee of this house.

Witness. Notwithstanding all that, the Lords of the Treasury awarded him his pension. With regard to what Mr. Ford has stated, that this was a gentleman who did nothing, this was the very kind of man the corporation wanted, because if they gave him the appointment and he neglected to do his duty, they could have dismissed him without a pension.

Mr. Hayward. In every case of this sort there are certain broad features on both sides, which nobody can dispute; but it is impossible for us to sit here and try whether each officer was properly pensioned off or not; it forms no part of the direct subject of our inquiry.

Mr. Towl. Representations were made on the other side, in their evidence to you, which were not correct in many particulars. I don't mean to say that there was any wilful falsification on their part; but that they did convey a very false impression as to the conduct of the corporation, in respect of their officers. This gentleman can show that these representations were incorrect, and that the result was quite different from that which Mr. Reynolds represented to you. The corporation gave these officers nothing they could keep from them by law.

Mr. Hayward. With reference to these two lists of the pensioners, I think one neutralizes the other; but with reference to the list of officers employed by the corporation, which was handed in yesterday, it seems to carry out the conclusion, that in every instance in which the corporation had the undoubted right to make appointments, they exercised their right in favour of repealers; and that list does not appear to be since shaken; but as to the pension list, it appears to me that an explanation has been given.

Mr. Towl. Allow me to make this remark: Mr. Reynolds should not have inserted in this document put forward by him, the salary of the recorder as the salary of a Protestant officer of the old corporation, who was retained by the present corporation.

Mr. Hayward. Certainly I think that list was made under a misapprehension; it is perfectly clear Mr. Reynolds must have been under a mistake as to some of the names in his list; and it is very probable, that in the list now put up by the opponents of the Bill, if gone into, many things might be explained; neither of these lists leads to any broad results.

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Mr. Ford. Since the list has been produced and gone into, I think the examination ought to be allowed to go on.

Mr. Hayward. It appears to me that the only imputations made at all on the corporation, from one end to the other of this inquiry, have been provoked by the conductors of the case on behalf of the promoters of the Bill. They will insist that people are attacking them when they are not.

Witness. One word about the treasurer. I find in the corporation expenses—

Mr. Hayward. It is unnecessary for you to go into that. The case involves such a mass of circumstances, it would take me half a day to get at the bottom of it.

Mr. Reynolds. I think you would find that it has no bottom at all.

Mr. Tomb. We are quite content with the course you have taken. We quite acquiesce.

Mr. Dobb. There are three gentlemen named here as entitled to 300 l. each.

Witness. That was by the Act of Parliament, and not by the act of the Corporation.

Mr. Dobb. In letting the leasehold property of the corporation, do you know any instances of the persons to whom it was let being partisans of a particular party?

Witness. I have not been in constant attendance lately on the corporation.

Mr. Ford. Is there not an order of the council to act by auction?

Witness. I think I know one case that I thought rather hard at the time.

Mr. Reynolds. I challenge it to be named.

Witness. The part of the corporation estate situate in College Green is of peculiar value; and a man of the name of Kelly, it struck me at the time, had a very unjust preference given to him in respect of the lease of his house. He was the tenant in possession.

Mr. Hayward. There is always a favour shown to a man in possession.

Witness. What I complain of is, that when his neighbours came to be dealt with they were treated differently. Mr. Kelly got a lease of his house on, I think, fair terms. I think he pays quite the value of the house; but I say his neighbours, Mr. Gaskin and Mr. Lemaire, ought not to have been placed in different positions.

Mr. Hayward. How can I sit here and try whether these terms were or were not advantageous to the corporation?

Mr. Tomb. I think this investigation will never end. It is most decidedly against my wish to enter into it.

Mr. Hayward. I suffered this part of the case to be gone into in confidence in the discretion of counsel; and the moment he says he does not see the necessity of it, I cannot go further into it. I do not think that these facts are at all relevant. It is impossible for me to try whether the corporation in an individual case made good or bad terms in making a bargain for a house. Mr. Tomb, who conducts this case for the opponents of this Bill, agrees with me that we cannot do justice to other parties who may wish to give us information, our time being limited. Our report must be delivered to both Houses by the 1st of March, and we have to state the result of an immense mass of documents, besides the oral evidence.

Mr. Reynolds. Mr. Tomb sees his weak point.

Mr. Tomb. If I do, that is a very good reason for not going on.

Cross-examined by Mr. Ford.

Mr. Ford. Alderman Boyce began by saying, that no person but a repealer was appointed to any office by the corporation. I ask him was Alderman Roe a repealer or not?

Witness. The question of repeal was not mentioned in the corporation when Alderman Roe was chosen lord mayor.

Mr. Ford. Was not the humble individual who addresses you appointed before the question of repeal was mentioned in the corporation? The gentleman has put forward a statement that no person was appointed to any office but a repealer. Now I put the question, is Alderman Roe a repealer or not? Then I come to the next question, was he not appointed lord mayor, and next, did he not resign his aldermanic gown, and was he not impanelled unanimously by the corporation to withdraw his resignation?

Mr. Hayward. As to Alderman Roe, is he a repealer or not?

Witness. He is not; he is not now in the corporation. He resigned about the year 1844, and he resigned in consequence of a circular having been sent to him, as alderman of the ward, to call a repeal meeting. Alderman Roe sent in a letter with his resignation; believe it was sent back to him with a request that he would withdraw his resignation.

Mr.

Mr. Ford. As to Mr. Carpenter, he remained keeper, I believe, of the City Marshalsea?

Mr. Haywood. We have already said that these lists had better be put aside.

Mr. Reynolds. Be so kind as to ask Alderman Boyce whether he is himself a repealer or not. Dublin Improvement.
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Witness. I am not.

Mr. Reynolds. Ask him whether on the 1st of January last it was not moved that he should be the representative of the Balfast Board for the ensuing year.

Witness. Yes.

Mr. Reynolds. And whether he would not have been elected unanimously but that he declined to be a candidate.

Mr. Haywood. Is that a paid office?

Mr. Reynolds. No, sir; it is an office of honour and trust. I wish to ask Alderman Boyce whether this council had not elected him their representative for some previous year at the Balfast Board?

Witness. Yes.

Mr. Reynolds. My object is to prove that this gentleman, whose name appears at the head of the printed statement signed by the ten conservative members of the council, was himself elected by the council to an office of honour and trust.

Mr. Nelson (Solicitor for the Board of Commerce). This corporation are seeking the business of six Boards. May I ask you how much that business shall increase the labours of the corporation; whether double, treble, fourfold, or sixfold?

Mr. Haywood. You are asking the witness to compute that which I dare say would take me a good day to compute; and I asked each secretary as he came up, in reference to that, how long the members of each Board attended, and how much business they had to do.

Mr. Nelson. I would ask the question, not as to what the attendances of the corporation have been when their business related to places or pensions, but what they have been in the discharge of their routine duties.

Witness. The attendance of the house, generally speaking, is not good; very often adjournments take place for want of a house; sometimes it has been the case that the lord mayor has complained of being kept waiting until members could be got who would at least make up a house.

Mr. Haywood. Is the business well attended to, or not?

Witness. I have not been much in attendance, for the last two years, on committees; when I did attend the law and lease committee, we had, generally speaking, had attendances. We have met without being able to form a quorum. Witness never heard Alderman Fogarty say that he alone often constituted a committee.

Mr. Haywood. You get the fact that the business is neglected.

Mr. Reynolds. Be so kind as to ask him how long is it since he attended the law and lease committee.

Witness. I was not on one during the last six months.

Mr. Reynolds. Ask him whether he attended to vote on the question of the borough rate.

Witness. I was in Harrogate at the time.

Mr. Haywood. Don't you think this rather makes against yourself, he being a member of the town council?

Mr. Reynolds. It has been said that I only attended at particular times; I cannot say the number of times I have attended, but I have been a most constant attendant.

Mr. Ford. I would suggest to you that we should be called on to give a return of the number of meetings held here, and evidence of the attendance of the members in this house.

Mr. Haywood. Yes, certainly.

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Isaac Butt, Esq. q. c., re-examined by Mr. Ford.

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Witness. Recollects the case of Mr. Guinness' appointment to the office of city treasurer; it occurred in the year 1843; at that time Mr. Finn, the late treasurer, went off to America, taking with him a considerable sum of money belonging to the corporation, and they were in consequence placed in great embarrassment, and Mr. Guinness, a gentleman of great respectability, and a member of the finance committee, came forward and advanced 3,000*l.* to meet the immediate wants of the corporation. Witness was not present in the committee room at the time, but understood there was something like a pledge, not sought for by Mr. Guinness, but given by some of the members present, who told him they would vote for him as treasurer, and on the following assembly day he was elected by a small majority. A point was raised and debated in the corporation as to the validity of this election, and Mr. Guinness, on the next assembly day, said that to obviate any question about the validity of the election, he would resign and submit to a re-election. In the interim, the question had become more or less a party question, and Mr. Guinness was rejected on the second occasion by a very small majority, and the present treasurer elected in his place. Two or three persons who voted for Mr. Guinness on the first occasion said, on the second occasion, that if he agreed with them in his opinions on politics, there was no man they would have more pleasure in voting for, but that they were coerced to change their votes by meetings that had been held in their respective wards.

Mr. Ford. That is, the usual parliamentary pressure was put on them. With respect to the present treasurer, there is no man more competent to discharge his duties.

Witness. I was going to add, that I believe the present treasurer to be a most efficient officer, and that no man can discharge his duties better than he has done.

Mr. Ford. As to the markets, did you attend the discussion in council on that subject at the time?

Witness. I suppose you mean as to whether an addition should be made to the Lord Mayor's salary? I can state what occurred, and the grounds on which the assembly voted that addition; the question arose in this way; a dispute arose between the grand jury and the Lord Mayor as to who had by law the control over the weights and measures of the city of Dublin. By the ancient charter of the city, the Lord Mayor was clerk of the market, and had the control over the weights and measures, and the Lord Mayor is at present clerk of the market. The Grand Jury Act was then passed, giving them, it was presumed, the appointment of the inspectors of weights and measures; that Act was held to extend to the city of Dublin, and there arose a collision between the grand jury and the Lord Mayor, as to who had the right and control over the weights and measures. While the old corporation were in existence, the grand jury appointed the same inspectors of weights and measures that the Lord Mayor did, and the collision, though nominal, did not come to any practical result; and the grand jury voted their presentment to the officers appointed by the Lord Mayor. But on the new corporation coming in, the grand jury refused to sanction the Lord Mayor's power of appointing inspectors of weights and measures, and they made a separate appointment of their own, and made presentments for the salaries of those officers. On the passing of the Grand Jury Act, the 5 & 6 Will. 4. this first occurred. I should say it was never intended by that Act to interfere with the chartered rights of Lord Mayor as clerk of the market, and that there was a mistake in this respect in passing the Act. The Lord Mayor beyond all question is clerk of the market, and the clerk of the market is the person who regulates all the markets. The grand jury having appointed inspectors to the Lord Mayor, there was no power in the corporation to appoint a new officer, and give him a salary, but the majority of the assembly thought that the Lord Mayor being clerk of the markets as a part of his office, and having formerly had an assistant allowed him who was paid by the grand jury, it was fair to give him an increase of salary, so as to enable him to do what was unquestionably his duty to do as clerk of the market; for that I voted.

Mr. Hayward. The objection is not to the increase of the Lord Mayor's salary, but to the mode in which you increased it; that finding you had no right in point of law to give the new salary, you then craved the Act; that is the charge. What do you say about this evasion of an Act of Parliament, which required that you should have gone to the Lord Lieutenant for his consent?

Mr. Town. That was a short cut.

Witness. I am bound to say that if I had not expressed my opinion, that it might be legally done, I do not think the corporation would have adopted that course; I think they were generally influenced by their asking me whether they had the right to do so or not. I voted from this view, which I wish to state in justification of myself. I may say that the Lord Mayor himself was bound personally to discharge that duty; my impression was, that the Lord Mayor having formerly had an assistant, paid by the grand jury, and who

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was taken away from him, and having the clear right of appointing that officer for one year, and of removing him the next, we might very fairly increase his salary.

Mr. Ford. That not was done in public council.

Witness. If the Lord Mayor did not get that increase to his salary, it was impossible for him to do that duty.

Mr. Hayward. Why did you evade a specific Act of Parliament? The objection is, that you having no right to do a thing in a direct manner, evaded the law by doing it in another way.

Witness. The question would be, what was the direct way of doing it? It appears to me, that totally independent of the Act of Parliament, the direct mode of doing it was by increasing the salary of the Lord Mayor, because the Lord Mayor was himself inspector of weights and measures, and because the corporation ought not, in my judgment, to have recognized any one else; the person he appointed was like a body, his mere deputy, and the Lord Mayor was the only person we could recognize as responsible for the duty, and it was in that view I concurred in that vote, and I think I influenced the majority of the council on that occasion. If I had expressed a contrary opinion, I do not think the measure would have been carried.

Mr. Ford. I believe they could have brought the question by *certiorari* into the Queen's Bench?

Witness. I cannot swear as to that.

Mr. Ford. I want your opinion *de hors* the question of representation in this assembly as to the present mode of taxation in the city, whether it should be continued or altered?

Witness. I think the general feeling of the city is, that the collection of taxes in Dublin requires improvement.

Mr. Hayward. I do not think there is the least doubt of it.

Mr. Ford. As to the representation system, I believe the Parliamentary franchise in this city extends to an immense number of freemen?

Mr. Hayward. We cannot go into this.

Mr. Tomk (to Mr. Ford). You have quite succeeded in showing that, for once in his life, my learned friend was entrapped by the corporation to do what was wrong.

Alexander Boyle, Esq., sworn; and Examined by Mr. Tomk.

Witness. Is a Banker in, and was lately High Sheriff of the city of Dublin; has had very considerable opportunities of conversing with and meeting parties who are merchants and bankers, and others in the city; and except those who were personally interested in carrying the Bill, and personally interested in the corporation, the feeling of those parties is almost one and the same against the Bill. This opposition appeared as well from the middle classes as from a great number of the humbler classes.

Mr. Ford. When you say great numbers, could you state how many thousands were opposed to the Bill?

Witness. I cannot.

Mr. Ford. Would you go as far as 1,000?

Witness. I know positively as to a very great majority; they were decidedly opposed to the Bill. Witness has a petition against the Bill in his office; did not attend the meeting in St. Andrew's parish; had his mind made up on the subject before the Rotundo meeting took place, and long before it. Does not think he ever read through, but read the heads in the newspaper of the report on the Dublin taxation, signed by A. Blake, William M. Samerille, John Young, Richard W. Green, and John L. O'Connell; as regards the persons who made that report, there can be no question as to their respectability.

Mr. Hayward. What has this to do with the subject of our inquiry; the witness has only given us the opinion of the citizens of Dublin regarding this Bill?

Mr. Ford. The question is, what is the opinion of the citizens of Dublin? This Bill was principally based upon this report. Did you ever know the directors of the Bank of Ireland to like any reform?

Witness. Indeed I did; and I have known them to adopt several.

Mr. Hayward. When you were collecting opinions regarding this Bill, did you take them as they came, without reference to politics?

Witness. Without the slightest reference to politics; I believe there were as many Roman-catholics among the persons I conversed with as others.

Henry Baldwin, Esq., p. c., sworn; and Examined by Mr. Ford.

Is one of Her Majesty's Counsel at Law, and Assistant Barrister for the South Riding of the county of Cork; was one of the Commissioners appointed to inquire into the Municipal Corporation, in the year 1833. Thinks certainly, when that report was taken, there was free opportunity given to every person to defend his conduct; the inquiry was held in open court; the parties were summoned to appear. Certainly, as far as witness's recollection goes, whenever a statement was made in the absence of any party, involving any charges against them, the charges were communicated to him, to give him an opportunity of defending himself. The inquiry was certainly not in any manner an *ex parte* tribunal; and witness should say the report was not in any manner an *ex parte* report, in any construction.

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struction that could be given to the word *exparte*; considered himself under an obligation to give a fair and impartial report; cannot tell what may have influenced others.

Mr. Tomb observed, that Mr. Baldwin might have saved himself the trouble of coming to defend himself from imputations that had not been made against him; unless Mr. Ford meant to convey them by insinuation.

Mr. Ford. The word *exparte* was used.

Mr. Hayward. I have explained three times over that the word "*exparte*" had not the remotest allusion to partiality; but the gentlemen appointed to examine into the Corporations had not the power to examine into the Boards. If they did, it was upon their own responsibility; they had no right to suffer charges to be brought against Boards, and then say, come and defend yourselves.

Mr. Tomb. They had no right to the jurisdiction of putting persons upon their trials.

Mr. Hayward. Mr. George (who first used the phrase) stated, that the Municipal Commissioners were men beyond all reproach, and that their report was *exparte* because it was necessarily made upon *exparte* evidence.

Mr. Baldwin. We did not conceive that we had any right to inquire into the conduct of Boards, except where a Board was connected with the corporation so as to be considered part of it, and of course we examined only to the extent that they were so connected.

Mr. Hayward. If you chose to go beyond that duty, for the purpose of getting valuable information, and a charge came out against any person not immediately connected with the corporation, it would be unjust to say that that charge should remain for ever against him, because the party did not think right to come forward at the time and protest against it. Mr. Reilly, for example, on his oath here specifically denied a charge that was made in that report against him.

Mr. Ford. Was the evidence taken fairly, and reported fairly?

Witness. I think so; I should not have put my name to it, if it were not.

Cross-examined by Mr. Tomb.

Witness. Has not read the proposed Act of Parliament; has not had a large opportunity of knowing the sentiments of persons with respect to it.

Mr. Thomas Willis, sworn; and Examined by Mr. Hayward.

Witness. Is the author of a book "On the Social and Sanitary Condition of the Working Classes of Dublin." It was published in the year 1845; has had reason since he wrote that book to alter his opinions expressed in it with regard to the state of the city; since writing that book, the evils referred to have been greatly aggravated in respect of the want of sewerage, and of the defective and impure supply of water.

Mr. Hayward. Here is a very remarkable passage in your book with respect to the parish of St. Michael's; will you have the kindness to tell me if you still adhere to the statement, or whether there is anything in it you would wish to modify; the passage I allude to is to be found on pages 42 and 43 of your book, and is as follows: "The parish of St. Michael's, in which the greater part of these inquiries was made, is the central parish of that part of the city north of the River Liffey, and from situation appears favourably circumstanced for health. The greater part of the parish has a dry gravel bottom, with a gradual descent from the river to every part; there is no obstruction to the natural drainage, the street having a good fall, and being all well laid down with proper inclinations for the discharge of surface water. There is one large sewer running through the centre of the parish, and very nearly its entire length, through which the water of the River Bradoogue runs; there are very few private or branch drains. A large proportion of the houses have not necessaries, and those that have are in very few instances connected with a sewer, but must be emptied by carrying out through the house. There are no public necessaries nor urinals; waterclosets are scarcely known, unless in public buildings; there may not be above a dozen in the entire district. There is a great want of water, not from any absolute scarcity, it being supplied to the district for about four hours on three days in each week. Of these houses let to weekly tenants, not one in two has the water conveyed into it by branch from the street main; the tenants in such cases are dependent for their supply on the public fountain, which is often at a considerable distance from their residence. The water is not constantly on these fountains. The wretched people have no vessels to contain a supply; the kettle and the broken jar are the only ones to be seen in these shodes of misery; nothing marks their poverty more than when congregating round the public fountain struggling to have their little supply. There are many lanes and courts in which a tumbler of water could not be had fit for drinking; even for the purpose of cleanliness, a scanty supply is with difficulty to be had, and appears of such value that it is rarely thrown out until after being put to several uses. I have frequently noticed this filthy stuff remaining within the rooms, and have been invariably told that it was yet wanted. It had first, perhaps, been used to wash the man's shirt and some little white linen, it was then used to wash coarser things, and even again put in requisition to mop out the room, floor, or stairs. These facts are not confined to the poor; the most offensive stench to be met with is that which emanates from these filthy

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fifth ends; and I find that where these rooms or stairs are ever washed, it is with this nauseous semi-solid poison."

Now this is a melancholy statement. Dr. Willis, have you recently gone through the same locality?

Witness. I am at present engaged in making a survey of the parish in order to ascertain the quantity of destitution contained in it; and that statement which you have read does not approach to anything like the fact as to the state of the water and the sewerage; I cannot convey in words to you the horrible state of nastiness and destitution that prevail in that parish. Except he looked into the interior, a person cannot form an idea of the horrible nasty state of filth that is in every house; the pipe-water, I say, is not in our house in every ten.

Mr. Hayward. I believe it is a matter of common observation, that, if there is any difficulty in obtaining water, the very poor are found to neglect habits of cleanliness?

Witness. The matter of cleanliness is not the first step in improvement; you must better the condition of the people.

Mr. Hayward. Do you state that what I have mentioned takes place; that when you have a degraded class, they will not go far for water?

Witness. They will not. Amongst the working classes, there is not a woman with a washed face in almost the entire district of St. Michael's parish; there is no water for them to wash themselves with.

Mr. Hayward. I think you petitioned the House of Lords on this subject?

Witness. I did; that is my petition before you.

Mr. Hayward. Did you make known to the pipe-water department here those facts at any time, further than by publishing your book?

Witness. I freely circulated my book to the number of 250 copies; and I got a great deal of credit for it at the time, through the public newspapers and by letters.

Mr. Hayward. I have received letters from men of eminence in London, directing my attention to this book. The most eminent statistical writers in London have had their attention attracted by Dr. Willis's book.

Mr. Ford. I suppose the book was sent to them; very properly; I wish you to ask him whether there are not main-pipes in these streets?

Witness. I am sworn, and I merely give my opinion about these things; I may be in error, and therefore I only state my opinion.

Mr. Ford. I wish to ask Mr. Willis whether he is aware that mains run through these streets?

Mr. Hayward. Can they get at them for water?

Mr. Ford. That is the fault of the landlords; we say we have got mains through these streets, and if the landlords or the people residing in the streets choose to pay us for supplying them with water, they can have it. They are bound to pay us for the water.

Mr. Hayward. That is the very point. Do you mean to say that you are ready to supply the people with water if they will pay you for it?

Mr. Ford. The mains run there, and if the owners of the premises do not choose to take the water, the blame cannot be thrown on the pipe-water committee.

Mr. Hayward. The first point is, whether they have got the mains there or not; and the next, whether the inhabitants can get water without paying for it. I take your statement to be this: you have laid down mains, from which you could give a continual supply of water to those districts, if there were persons who would pay the regular pipe-water rates. Do you mean to say that positively?

Mr. Ford. Positively. There are mains continually supplied with water down Church-street.

Mr. Hayward. It comes then to this: those poor people have no water brought into their houses at all; but if they or their landlords choose to pay you for bringing it to them, they may have it.

Mr. Ford. Allow me for a moment. The explanation I give is this; you have already in evidence that the Paving Board have the right of putting up fountains for the poor.

Mr. Hayward. Dr. Willis comes here to state the result of his experience of the condition of the city, and not to throw blame on any one. I asked him to come and explain what he has seen in the city; and I must object to his examination being made the means of reviving the argument as to who are or who are not to blame for the present state of things in that district; and whether it is your duty to remedy it, or the duty of the Paving Board, is not the question for him. Dr. Willis comes here to explain to me what he himself has seen.

Mr. Ford. What I want to ask Mr. Willis, through you, is, whether mains run through these streets?

Witness. I know many parts of the district in which there are no mains; I believe that either 4,000 or 5,000 individuals are supplied with water from a source which is little else than what I may call a cesspool. I believe water is not supplied by the corporation to the North Dublin Union Workhouse, which is in Michael's parish; their mains do not reach it nearer than Upper Church-street. I believe that the North Union Workhouse, containing at present about 9,500 individuals, the hospitals of the House of Industry (with the exception of the Richmond Surgical Hospital), the Richmond Lunatic Asylum, the Penitentiary in Grangegorman-lane, are all supplied from the Harbour of the Royal Canal, in which boats are constantly loading with manure, and into which the bilge water can be every day seen pumped from these boats. The supply of most of the north side of the city of Dublin is taken from the same impure source. In my own house I have a metal cistern and a

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london cistern, and in the summer months the water is unfit for use. There is no species of filtering that I am aware of will separate matter that is soluble in water, such as bilge-water. The Canal Harbour is approached by a branch of the Royal Canal, and though it may be said that we on the north side of the city are supplied from the Royal Canal, still it is from this branch of the canal, which was made for the purpose of leading to this filthy harbour; there is not a ripple on it; it is never stirred except by the boats going to and fro on it. I would not ask better evidence as to the quality of the water supplied to this district than Mr. Ford's, who is a water-drinker as well as myself. Immediately within this district you have, in Boot-lane, the wholesale Fish Market of Dublin, without a drop of water. No fountains there; nor a drop of water to be had in it; and if a woman wants to wash a sieve, she is obliged to go a considerable distance for water. No main pipes are laid in Stony Batter, Aughrin-street, Prussia-street, and Manor-street.

Mr. Hayward. What quantity of the district is supplied from this harbour?

Witness. I believe the greater portion of the north side of the river is supplied from it.

Mr. Bransington. You don't mean to say that Sackville-street is supplied from the Canal Harbour?

Witness. I believe its supply is taken from the same harbour. It is taken from the basin, which is supplied from the branch of the Canal that runs into the harbour.

Mr. Hayward. Is the water carried into the City Reservoir from any considerable fall?

Witness. No; a branch was made from the Canal to the Canal Harbour, for the accommodation of boats; and after that branch was made the corporation formed a basin adjoining it in Blessington-street; and they took their supply of water from that impure branch, although there was water 30 feet high, which could inundate the city, to be had within a mile of the place.

Mr. Tusk. Allow me to ask you if you understand that Dr. Willis does not mean to state that these charitable institutions are supplied from the basin, but from the harbour?

Witness. These buildings abut close on the harbour of the canal; the water is conveyed perhaps not a distance of 30 or 40 feet, to them, by a plain conduit pipe, which is laid at the top of the harbour. There are a great many turf boats in this harbour at all times. I believe it can be shown (I have not seen it myself) that turf, mould, and other filth are not uncommon things to be met with in the poor-house cistern. I have been at that harbour when it was empty, in consequence of the Mullingar Railway works that were carried on there at the time; and I do think, in every portion of it, there were at least two feet of the most disgusting filth.

Mr. Ford. The House of Industry, which is now the poor-house, is under the management of Government?

Witness. Of that I know nothing.

Mr. Ford. This gentleman has given his opinion on oath; I want to ask him facts.

Mr. Hayward. The question whether the House of Industry is under the care of Government or not, is not the point.

Mr. Ford. I want to show how the supply of water comes there, that it is not brought there by us; I will show it by your witness here. The House of Industry was under the management of Government until the workhouse got possession of it. Well, sir, then I will go to the next question, and I will ask him, is not the supply to the House of Industry the same which has been taken by it the last 30 years?

Mr. Hayward. You don't see the point of this examination; of what importance is it for us to inquire of Mr. Willis whether things have been in the same state for the last 30 years or not, or whether these institutions are under the management of Government or not; if they have been in the state described for 30 years, so much the better reason for altering them.

Mr. Ford. I want to impress on your mind that this state of things does not arise from the default of the corporation.

Mr. Hayward. The question is, what is the state of things?

Mr. Ford. The state of things I fully admit.

Mr. Tusk. You must allow me to retract an observation I have made; I said that the corporation had no conscience; I find now it has a guilty conscience.

Mr. Hayward. This gentleman comes and simply states what he has seen, but as to whether this person or the other person ought to have remedied these things, that is not the point for the witness.

Mr. Tusk. We ought all to concur in saying that this gentleman has given us most valuable information, with a view of adopting some improvement.

Mr. Ford. Has not a person a right to cross-examine the witness?

Mr. Hayward. The ordinary rules of cross-examination should not be pressed with a gentleman like Mr. Willis; we are all trying to get information; the question is, what is the state of things?

Witness. There is also Ormond Market; that large thickly-peopled market, in which there is but one fountain, and in that fountain the water is not constantly on. I live on Ormond Quay; there is a large wholesale fish market there, without a drop of water in it, unless what is carried in by buckets.

Mr. Tusk. I wish to ask Dr. Willis if, since writing that book in 1845, there have been any fountains erected?

Mr. Hayward. We have it in evidence, that two fountains were erected since the corporation came in, by the Paving Board.

Witness.

Witness. Things, in my opinion, are getting much worse; our population are not increasing.

Mr. Toml handed in a newspaper, containing the report of a meeting of the citizens of Dublin, on the subject of taxation, in the year 1843.

Witness. I am reminded by this gentleman, speaking of the Ballast Board, that the water our quay is watered with in summer, is taken from the filthy part of the bed of the River Liffey, and scattered over the streets.

Mr. Ford. Are you of opinion, from your knowledge of the state of the sewerage of Dublin, that it injures the health of the inhabitants?

Witness. There is a great want of sewers in Dublin; and I have no doubt the present state of the sewerage is injurious to the health of the inhabitants, in consequence of the want of water to wash the sewers out; and sewers are, in my opinion, comparatively useless, unless there is water to flush them.

Mr. Ford. Don't you think the houses along the Liffey are generally injured by the refuse being drained into the Liffey?

Witness. I don't believe the refuse of the markets is drained into it; I believe, in Ormond Market, there is a sewer running through it, which may be five or six feet in length, but the drain from that sewer into the river would scarcely occupy a six-inch bore.

Mr. Ford wished to know candidly from the witness whether, in the summer season, the sewers, running into the Liffey, were not injurious to the health of the inhabitants along it.

Witness. I don't understand what a candid witness means when I am on my oath.

Mr. Ford. I want your opinion on the point.

Mr. Hayward. I cannot allow you to address a gentleman of Dr. Willis's high respectability in the tone you are using; that is not the tone in which a witness in his position ought to be addressed.

Mr. Ford. As to that, it is our manner and method here, and perhaps it is not quite correct.

Witness. I wish to give the most candid answer to every question.

Mr. Ford. I ask you whether the running of the sewers into the river is not an injury to the health of the inhabitants, and to property along it.

Mr. Hayward. It has been given in evidence here, by Mr. Antisell, that the sewerage carried the filth into the river, and that instead of its being carried into the middle of the river, it remained on the bed, and remained there in a fœtid state, or became very impure and unpleasant.

Witness. You must show me what sewers enter the Liffey, because from the defective supply of water in the sewers, they are not emptied in the degree they might; in all cases where sewers are emptied into rivers, when the tide is out, and there is nothing to cover them, the smell is decidedly offensive.

Mr. Hayward asked the witness how long he had been practising in Dublin?

Witness answered 35 years, and that his practice was chiefly in the north side of the city.

Mr. Hayward. I am very much obliged to you; I think you have given your evidence with great candour. I do not think that Dr. Willis can be called a witness that has been brought here by either party.

Mr. Ford. It is all matter of opinion, and depends on what is in one's mind.

Mr. Edward Denfing presented himself to the Commissioners, and was sworn and Examined.

Mr. Hayward. These has been a paper produced to us, stating that the only true weights and measures are in the custody of the corporation?

Witness. It does not state that, Mr. Commissioner; it states that the original set of standard weights and measures are in the custody of the Lord Mayor, and that the copies were ordered by the Judges to be given to the grand jury.

Mr. Hayward. Were you one of the parties who had that paper printed?

Witness. Yes, I was.

Mr. Hayward. Who were, besides you?

Witness. It was adopted by my brother officers, my colleagues; there are two of them. This paper was printed in the year 1845 or 1846; something about 19 months ago. It was used in the office as an explanation after the decision of the Queen's Bench. The duties the inspectors perform are to inspect the provisions and the markets, to seize fraudulent weights, to have provisions seized if they believe them to be unsound; they have a market jury accompanying them through the markets, and the parties are brought before the Lord Mayor to show cause why the seizure should not be condemned. The inspectors put up that paper as an explanation, in consequence of this collision between the officers. The putting up of the papers by the inspectors was not as much as to say, "We are the only true people; we have the standard weights and measures, and the others are counterfeiters;" because the other officers got up other papers, stating that they were the proper persons, and that the witness and the inspectors with him had no authority at all. *Witness* did not get up this paper to say the opposite to that. *Witness* is entitled to fees; he charges so much for adjusting and leading weights. The paper may bear the construction that it was as much as to say, "Come to us, we are the only true people." *Witness* states,

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on his oath, that he does not think that was so much the object of the paper, as to explain to the public the nature of the decision of the Court of Queen's Bench. These papers were in the inspector's windows; witness himself put them up; they circulated them in the way of business.

Mr. Hayward. Was not this paper circulated with a view of getting the people to come to you; was not that the main reason of its circulation?

Witness. I don't think it was. One reason was, the public were in great doubt as to who were the proper parties.

Mr. Hayward. Were not these notices posted up in your windows?

Witness. That was in consequence of the others having their notice posted.

Mr. Hayward. How long did they stay there?

Witness. I believe they have remained there, perhaps, ever since.

Mr. Hayward. Was any notice taken of that by the Lord Mayor, or by the council?

Witness. Not a word; to witness's knowledge, nothing took place to make him think that they were aware of it.

Mr. Hayward. Do you hold office at pleasure, or for life?

Witness. The terms of my warrant are, during good behaviour.

Mr. Toole. Allow me to ask this gentleman if this document was his own composition?

Witness. It was written in the office, submitted to the officers, and they agreed to it.

Mr. Toole. Was it not written by yourself?

Witness. It was written by myself; but it was corrected and approved of by my colleagues.

Mr. Toole. Do you recollect ever having seen the walls placarded by Day and Martin?

Witness. Frequently.

Mr. Toole. Did you copy this from Day and Martin's placards; may I ask you what was your precedent?

Witness. If you ask me the question, my precedent was the handbill got up by the opposite side. Witness has not a copy of that handbill; thinks that it was more posted and more strong than his placard, for it said that witness and his colleagues had no authority at all, and they did not say that of them. Witness did not come here this morning on the suggestion of Mr. Ford.

Mr. Arthur Bennett Keene, sworn; and Examined by Mr. Rolleston.

Witness. Is a resident in, and a churchwarden of, St. Andrew's parish; understands the rating of that parish to be 43,000 £; has had an opportunity of ascertaining the feelings of the parishioners of St. Andrew's parish respecting this Bill. In consequence of a requisition sent to witness, as churchwarden, to hold a meeting of the parishioners for the purpose of opposing the Bill, he and his brother churchwardens calculated the value of the property represented by the requisitionists, and found it to amount to about 22,000 £. The persons who represented that amount of property are in opposition to the Bill. St. Andrew's is entirely a mercantile parish; thinks there is not a single private street in it. Witness has the requisition that was signed to call a meeting for the purpose of opposing the Bill, but does not know the number of names signed to it.

Mr. Rolleston. How do the names to the requisition stand as to politics?

Witness. That question we did not turn our attention to at all; several of them are the names of liberals.

Mr. Ford. I would be glad to see here the name of any one that voted for Lord Merveth; would you give me the names of a dozen of Papists?

Mr. Rolleston. I did not make use of that expression. I don't profess to appear here for any class of persons holding particular religious opinions, and I should say it is rather invidious to name even politics.

Witness. Held the meeting pursuant to the requisition; that meeting was adjourned. At the second meeting, Mr. Reynolds appeared; he stated he had come for the purpose of speaking. Heard no one at the meeting who was not opposed to the Bill; the requisition was to that effect; but witness proposed to Mr. Reynolds, that in case he brought a requisition signed by persons in favour of the Bill, the churchwardens would summon a meeting for him. The valuation of the property in the parish was taken from Thom's Directory, which contains a table of the poor-law valuation. There were two meetings held. Mr. Reynolds objected to the first meeting, because he said it was called together in too great a hurry, and it was agreed that an adjournment should take place. Witness believes, in their calculation, the Bank of Ireland was valued at 4,000 £; they included that sum as the valuation of the bank in the 22,000 £. Understands the Bank of Ireland make it a rule never to sign any document of the nature of the requisition.

Mr. Brodie (Governor of the Bank of Ireland). The Bank of Ireland never come forward prominently in any meeting that is held for political purposes; they may do so individually, but not as the Bank of Ireland.

Witness. The Royal Irish Academy was not included in that valuation; cannot say how many insurance offices were included in it; every one of them were decidedly not included in it. Mr. Reynolds did not acquiesce in the offer to call a meeting of persons in favour of the Bill.

Joseph Cooper, Esq., sworn; and Examined by Mr. Rolleston.

Witness. Has been more than 30 years resident in St. Andrew's parish; is very well acquainted with the mercantile community of that parish; the general feeling of that mercantile community is decidedly against the Bill, by a large majority.

Mr. Ford. You are an English gentleman that came over here?

Witness. I have been 40 years here. Witness would not be opposed to the Bill if it were shown that it would reduce his taxes 25 per cent.; would not be opposed to a Bill that would improve the health of the citizens by getting them a better system of sewerage. Is not aware of the state of sewerage in the city of Dublin.

Mr. Hayward. All this amounts to is, that if this were a good Bill, you would be for it; but as you think it a bad Bill, you are against it.

Witness. Has read the Bill sufficiently to convince himself that he ought to oppose it in every way he possibly could. Witness has a great objection to placing the collection of the taxes in the hands of the corporation, for he has been living in the parish of St. Andrew's for 35 years, and he was never accustomed to a borough rate until Mr. Ford came into office. Paid his borough tax, and bears there is a great deal of arrears of that tax, and witness thinks this is very hard on him.

Mr. Ford. I suppose the whole of it is:—

"I do not like you, Dr. Fell,
The reason why I cannot tell;
But this I know full well,
I do not like you, Dr. Fell."

Witness. In one word, I thought the old corporation extremely objectionable, but I think this corporation ten times worse.

Mr. Ford. I ask you the reason of that opinion?

Mr. Hayward. The point I want to ascertain is, who are, or who are not, in favour of the Bill. The witness has told you, that he objects to the Bill, because he thinks the present corporation a great deal worse than the former one. If you are then to ask his reason for that opinion, it might evidently lead to his repeating everything that has been said on that subject in the course of this inquiry. There must be some limit to this procedure.

Witness. I would give one reason, if permitted.

Mr. Ford (to Mr. Hayward). I call on you to take down in your notes that I wanted the gentleman to give the date of his opinion, and you objected to it.

Mr. Hayward. You ask him the reason of his opinion, and he gives you his reason, and you then go on asking the reason of the reason.

Terence H. Dolan, Esq., sworn; and Examined by Mr. Trench.

Witness. Is not a householder in the city of Dublin; is clerk of the Crown for the county of Tyrone. The opinions of witness have been what are called liberal in politics; he has been identified with the party professing these opinions. Witness is a Roman-catholic in religion; has had an opportunity of knowing the feelings and opinions of a number of his fellow citizens with respect to the projected Bill for vesting the powers of taxation in the corporation; has had an opportunity of knowing the opinions of several of different classes, and certainly of different ways of thinking on political subjects; and except persons connected with the corporation, the general feeling is against entrusting these powers to the corporation; as far as witness can learn, he believes this is the opinion of persons of different ways of thinking in politics; thinks this opinion is not confined to persons holding what are called conservative opinions. Witness is not prepared to say that no corporation properly constituted ought to be entrusted with such powers as those sought by the Bill; on the contrary, thinks a corporation ought to be entrusted with a large portion of similar powers; but with respect to the corporation of Dublin, as at present constituted, witness has a strong feeling that it does not represent the intelligence of the city; does not believe that in its representative constitution it represents the citizens of Dublin. Believes it to be the case that certain members of the corporation were obliged to leave it in consequence of their not entertaining the same sentiments with others on particular questions: has an office in Dublin and property in Dublin.

Mr. Ford. You are not for Repeal?

Witness. I have not said that.

Mr. Ford. As a matter of opinion, are you of opinion that Messrs. Gregory and Geogan represent the people of Dublin in Parliament?

Witness. I do not think so; and as evidence of that opinion I voted against them, and would vote against them to-morrow.

Mr. Ford. You are perfectly acquainted with the constitution of the corporation?

Witness. Yes, the outline of it.

Mr. Ford. What may be your opinion as to the standard of qualification?

Mr. Hayward. No, no.

Mr. Ford. Yes, yes. Allow me for a moment; Mr. Dolan was called to give his opinion with respect to a certain fact; allow me, sir; his answer was that a corporation, if properly constituted,—

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Mr. *Hayward*. The only value of Mr. *Dolan's* evidence is the portion of it which states the opinion of persons as to the propriety of entrusting the corporation with the powers sought by the Bill.

Mr. *Ford*. I cannot conceive why, when opinions are allowed to be given, you will not allow us to test them?

Mr. *Hayward*. The question is one simply of statistical detail. (To Mr. *Dolan*.) Did you oppose the corporation when they brought in a Bill for supplying certain suburban parishes with pipe-water?

Witness. I did; I went to London for the purpose. I opposed it with my friend, Mr. *Stokes*, at our own expense, both of us representing a large portion of the inhabitants of Rathmines. Upwards of 700 persons signed against the Bill. There were other districts it would have affected, namely, Sandymount, and all the suburban districts. In Sandymount there was a public meeting called, and a very strong opinion was expressed against allowing the corporation to have the power they sought for. The majority of the parishes which they proposed to supply with water before they went to Parliament had signed against the Bill.

Mr. *Ford*. You insisted on the voluntary principle being introduced into the Bill, and you now look for the coercive principle yourself.

Mr. *Hayward*. All I wanted to know was whether opposition was given to the Bill or not.

Mr. *Ford*. It is not necessary.

Mr. *Hayward*. It is important to be ascertained, for the purpose of seeing how far the opinions of the parishes intended to be supplied were in favour of or contrary to the Bill. I think it my duty to ascertain that fact.

Mr. *Tomb*. We are not going to offer any further evidence of any kind; and I wish to suggest, that if it is their intention on the other side to offer you any rebutting evidence, I shall feel it my duty to object to their going into it. I apprehend it cannot be applicable to this case; we have been misunderstood if it be supposed that we have imputed misconduct to individual officers of the corporation. We have gone into nothing that calls for a rebutting case, except so far as it was forced out by the other side.

Mr. *Hayward*. I have said repeatedly, and now state it again, that in my opinion there is no act of individual misconduct from corrupt motives even alleged, much less proved, against any member of the town council or any of its officers.

Mr. *Tomb*. We neither acquit nor condemn them.

Mr. *Hayward*. As far as we have gone there is no charge against them, and there is nothing to defend. It appears to me that everything of the most importance is here proved by documents; and the material evidence which I think will be likely to influence the persons who are to decide on this Bill consists very fortunately of returns and statistical data, and will not rest on those doubtful cases.

Mr. *Ford*. There is not a charge that has been insinuated against the corporation that documentary evidence shall not be sent in to answer.

George Frederick Brooke, Esq., sworn; and Examined by Mr. Rolleston.

Witness. Is Governor of the Bank of Ireland; has had opportunities of mixing with mercantile men in the city of Dublin. The Bank of Ireland is in St. Andrew's parish. Witness made this Bill the subject of conversation among mercantile men, and can safely say that he never spoke to an individual on the subject that did not reprobate it. The directors and governor of the Bank of Ireland never, as such, interfere in politics; but the impression on witness's mind is, that the feeling of the directors of the Bank is very much against the Bill. There are three Roman-catholic gentlemen among the directors of the Bank of Ireland.

Cross-examined by Mr. Ford.

Thinks it very natural that persons getting accommodation at the Bank would wish to stand well with the directors. The question of politics never enters into the Bank of Ireland; the character of the Bank of Ireland is sufficiently established.

Mr. *Ford*. You have 300 or 400 clerks; tell me what chance a repealer has of being elected to one of these clerkships?

Mr. *Bramington*. You need not answer that question.

Mr. John Whitty, sworn; and Examined by Mr. Rolleston.

Mr. *Rolleston*. You are a resident householder in St. Andrew's parish?

Witness. I am.

Mr. *Rolleston*. Have you made it your business to make inquiry as to what is the public feeling of the parishioners of St. Andrew's parish in respect of this Bill?

Witness. Yes. I was brought into contact with a good many of the parishioners, and as far as I could ascertain their feeling, it goes against the Bill.

Mr. *Rolleston*. Have you made any comparison between the rates as proposed by the Bill, and the rates which you at present pay?

Witness. I felt it my duty to inform myself on that question.

Mr.

Mr. Rolleston. Would you state what the result of your calculation is?

Witness stated that his house was valued at 120 £. per annum, according to the poor-law valuation, and that the maximum he had paid in respect of his house in any year for the paving, cleansing, and lighting tax, the watering tax, the grand-jury cess, the wide-street tax, and the police tax, was as follows:—

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Year 1846:

	£.	s.	d.
Paving, cleansing, and lighting tax, and watering tax	7	6	—
Grand-jury cess, and wide-street tax	7	10	—
Police tax	3	—	—
	£. 17	16	—

Witness looked into the Bill for the purpose of seeing what relief it would afford him in respect of his taxes, and he saw that it was proposed by the Bill to strike two rates, one called a General Rate, intended to embrace the taxes above mentioned, and another, called a Sewerage Rate, which was new to witness, as he never had paid a rate of that description.

The following statement shows the amount of the witness's liabilities in respect of his house on account of the two rates last mentioned:—

	£.	s.	d.
Amount of the general rate, according to the graduated scale proposed by the Bill, if levied on witness's house at the maximum of 4 s. 6 d. in the pound, according to the poor-law valuation	27	—	—
Amount of a sewerage rate of 1 s. in the pound, according to the poor-law valuation of witness's house	6	—	—
	£. 33	—	—

Mr. Rolleston asked Mr. Hayward if any document had been handed to him guaranteeing the particular rates that, it was said, had been given up by the promoters of the Bill.

Mr. Hayward stated that Mr. Reynolds had appeared before him, and formally put in a Report of the Parliamentary Committee on the Dublin Improvement Bill on the subject.

Witness. The following statement shows the amount of the witness's liabilities in respect of his house on account of the two rates, as altered by the Parliamentary Committee:—

	£.	s.	d.
Amount of an uniform maximum rate of 3 s. in the pound, according to the poor-law valuation on witness's house	18	—	—
Amount of a sewerage rate of 4 d. in the pound, according to the same valuation, on same house	2	—	—
	£. 20	—	—

Mr. Mervyn P. Crofton, re-examined by Mr. Ford.

Witness. Knows the Public Fish-market, in Boot-lane. There is a pipe passing in front of that market; the supply of water in that pipe is three times a week, four times a week, and sometimes oftener. There is a pipe that goes directly through the Fish-market in Pill-lane; there is a main running all along the quay; there is a main running down Church-street; there is a main down Hammond-lane. Knows Mr. Haugh's distillery; it was supplied by water running down Hammond-lane. In Church-street, which is the poorest locality in Michan's parish, the supply has been made constant within the last five months, in consequence of an Act of Parliament having been passed by which the corporation were obliged to give a six-hours' supply a day to the public fountains.

Mr. Hayward. It would appear that, up to that time, there had not been enough of water supplied to the fountains.

Mr. Ford. Is it nothing to say that the corporation have carried out the instructions of the Legislature?

Mr. Hayward. No great credit can be taken for doing a thing if an Act of Parliament orders it positively to be done.

Mr. Ford. I merely want to say that when the demand was made on us by the law for an additional supply, we carried out the requisition.

Mr. Hayward. You would be liable to be punished if you did not. If the House of Commons thought it necessary to pass that Act, I must assume that there was some alleged reason for it.

Alderman Gavan stated that opposition had been given to the Bill, and that gentlemen had been examined for and against it, and the Committee of the House of Commons said that the corporation should give more water to the fountains.

Witness.

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Witness. Knows the Penitentiary; the governor of the Penitentiary never, that witness is aware of, spoke of the want of pipe-water. Witness has been 12 years in the employment of the corporation. The size of the basin at Blessington-street, on the north side, is 2 acres 11 perches Irish; the size of the James's-street basin is upwards of 3 acres Irish; and the size of the Portobello basin is 2 acres. There is a filter in the Portobello basin; thinks that filter is not big enough. Witness wishes to state that, in his evidence given before the Commissioners on his former examination, he stated that the watercourse was insufficient for the supply of the south side of the city, and he understood that since then it had been stated before the Commissioners it was sufficient; no one can have better knowledge with regard to that watercourse than witness, and he says it is not sufficient.

Mr. Haywood. I think you were present when Dr. Willis stated that a great portion of the supply of pipe-water to the north side of the city was taken from a part of the canal which is connected with the harbour; what is your opinion as to the state of the water there?

Witness. I think the water very fair; much better than on the south side.

Mr. Ford. Is there an overflow from the harbour?

Witness. There is into the Dodogue River, which keeps the current up in the harbour. Is not aware that the water which comes down to the harbour a quarter of a mile from the branch of the canal goes back into the basin. Since 1841 upwards of 1,700 houses have received an increased supply of pipe-water in the city.

Mr. Ford. I would have proved all those things by the cross-examination of Mr. Willis, but I was not allowed to do so.

Witness. The House of Industry is under the charge of the Government; the Government have built a filter on the banks of the canal. There had been application from Sweeney Butler to the pipe-water committee for the supply of water, and there was a counter memorial against the supply being given. There are rivers that run down Sweeney Butler on both sides of the street; there is a pipe from Church-street going down from Pill-lane, at the very rear of the markets, in part of which there is a daily supply. There is a pipe that goes right through the markets, and one in the front of it at the quay.

Mr. Ford. All I can say is, that when all the things mentioned by Dr. Willis in his evidence were stated by him, there were a great many solemn faces here, as if there had been a want of duty on the part of the corporation.

Mr. Haywood. I drew attention to the fact that Dr. Willis was not giving his evidence against the corporation, but against the state of things; repeatedly I drew your attention to this.

Mr. Ford. I have attended a great many courts, and I say that if any one were to read Mr. Willis's book, and hear the evidence he has given here, he would see the animus with which it was given. I should be very sorry that his evidence went to the public without this explanation, to give which I wanted Mr. Willis to be cross-examined.

Mr. Haywood. The explanation was given at the time.

Mr. Ford. It was given to you, but not to the public.

Mr. Haywood. That is not the object of our inquiry.

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The Court sat at Ten o'clock, pursuant to Adjournment.

Mr. Ford. The Secretary of the Grand Canal, Mr. J. M'Mullen, attends as a witness to prove that the Grand Canal can afford an abundant supply of water to finish all the sewers of Dublin.

Mr. Haywood. I have not any objection to the receiving this evidence, but that I stated yesterday morning that I would devote yesterday to taking oral evidence, and at four o'clock I inquired if there was any remaining, and I was told there was not.

Mr. Ford. I had this gentleman summoned, and he holds an official situation under the Canal Company, and could not sooner attend here.

Mr. J. M'Mullen, sworn; and Examined by Mr. Haywood.

I am Secretary of the Grand Canal Company, and have been so for above 10 years past.

Mr. Haywood. It has been stated here, that the Grand Canal have not at times sufficient water to supply the city; and also that there have been complaints made to that effect to the Company.

Witness. I am not aware of any statement or complaint of there being an insufficiency in the supply during the last four or five years, and if any such had been made, it would have been totally without foundation.

Mr. Haywood. Then, in reality, your evidence is that there is plenty of water to supply Dublin?

Mr.

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Witness. There is an abundant supply; and there would be even if the consumption were double what it is.

Mr. Hayward. Was there at any time a complaint made of the quality of the water?

Witness. About two years ago there was some complaint made in that respect; and an eminent chemist, Dr. Apjohn, was employed to analyze the water at the expense of the Canal Company, and the result of his analysis was, that he reported satisfactorily, that the water was pure, sweet, and wholesome; he made four different analyses. Dr. Apjohn is a Professor of Chemistry to the College of Surgeons.

Mr. Hayward. Have you heard any doubts upon the subject since?

Witness. I have not.

Mr. Hayward. Supposing a supply of water was wanted for the sewers as well as for domestic consumption, could the Grand Canal Company supply the city with enough?

Witness. They could; taking the maximum for what the city could require, the Canal Company could supply enough.

Mr. Hayward. Did you ever hear that Dr. Kane gave an opinion that the water supplied to the city was not pure?

Witness. I did hear of it, and it was in consequence of that that the analysis was made by Dr. Apjohn.

Mr. Hayward. Could the Canal Company give a supply of water from a higher level of the canal than that from which it is at present taken, if it were wanted?

Witness. Yes, they could. The Lower Dock at Ringsend contains 25 acres, and at almost any time there is water enough in the canal to raise the level of that dock one foot in one night; taking the driest season, the canal could afford a sufficient supply for Dublin.

Mr. Toole. I would wish now to put one or two questions to Sir D. Dickenson.

Mr. Hayward. If you think it necessary, I will allow it.

Mr. Toole. Are not you the secretary of the pipe-water committee?

Sir D. Dickenson. I am.

Mr. Toole. Have not the pipe-water committee power to resist the pipe-water tax to any one they think right?

Witness. They have; at least they exercise the power of doing so.

Mr. Toole. To what extent do they exercise that power?

Witness. Upon a memorial being presented to them, they always make an abatement or a reduction; and there have been nearly 3,000 memorials sent in since I came into office, after the new corporation came in.

Mr. Toole. To what amount has the tax been remitted during that time?

Witness. I should say to the amount of several thousand pounds. Every memorial is recorded, but I cannot tell the exact amount which has been remitted without referring to my books.

Mr. Hayward. This is now opening a new case.

Mr. Toole. Yes; but it is a very important one.

Mr. O'Hea. It is very important, and we have not any objection to it.

Mr. Hayward. Then I suppose I must allow you to go on with it.

Sir D. Dickenson. (Produces his Books.) There have been 2,990 memorials presented for a reduction or remittance of pipe-water rent since the new corporation were established; since I came into office in the year 1841.

Mr. Hayward. How many of those have been granted?

Witness. I can now tell how many were granted in each year, and I will have them all added and handed in. There were 762 in the year 1846. The accounts are kept up to the 24th of June in each year.

Mr. Toole. How much has been the annual surplus of the tax since the year 1841?

Witness. I have not made it out, for it was not required.

Mr. Ford. I handed it in yesterday, from the treasurer's account.

Mr. Toole. What is the annual income?

Witness. Last year it amounted to 12,655 $l.$ 12 s. 8 $\frac{1}{2}$ d., which was received by the collector, every penny of which came into the treasury of the corporation.

Mr. Toole. What deduction is made from the yearly rent for the salaries of the officers?

Witness. Nearly 800 $l.$ a year. For mine and the two Mr. Croftons, the storekeeper, &c. Mr. Costigan, the treasurer of the corporation, is paid a moiety of his salary from this fund, and there are other very large disbursements.

Mr. Toole. Are there any other disbursements which are not properly chargeable on that fund?

Witness. There is a moiety of the general auditor's salary paid from the pipe-water rent. There are compensations paid from it to retired officers.

Mr. Toole. To what amount of compensations?

Witness. More than 900 $l.$ a year.

Mr. Toole. Is that all to retired pipe-water officers?

Witness. It is. There are the printer, Sir John Kingston James, Mr. Archer, and others, and the town clerk. He was always paid 200 $l.$ a year as secretary. The former town clerks were always secretaries to the pipe-water department. I am now the secretary, but it is without any salary.

Mr. Toole. Is not the maximum tax invariably imposed?

Witness. It is.

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Mr. Tomb. What surplus is there yearly after all those deductions?

Witness. There is about 3,000 *l.* a year surplus after the payments which I enumerated.

Mr. Tomb. What is done with that surplus?

Witness. There has been a great portion of it expended in the maintenance and increase of the works since the new corporation came in.

Mr. Tomb. Has it been all so expended, or how much of it?

Witness. About 2,000 *l.* a year of it has.

Cross-examined by Mr. O'Hea.

Mr. O'Hea. What amount of arrears did the late corporation leave?

Witness. They left a very large arrear due, above 12,000 *l.*

Mr. O'Hea. What amount of that arrear remained last June?

Witness. There were 4,000 *l.* arrears then.

Mr. O'Hea. With respect to the remissions of the tax of which you spoke, was there either fear, favour, affection, either political or religious favour, exercised; or on what grounds was the tax remitted?

Witness. There was neither fear, favour, or affection of any kind exercised; the tax was abated or remitted on the grounds of poverty, or of the premises taxed having been unoccupied for a series of years; and we generally were paid a portion of the tax.

Mr. O'Hea. What was the proportion of the entire sum remitted on account of poverty; and what proportion on account of unoccupancy?

Witness. About a moiety for each; and I believe the memorials were adjudicated on without either favour or affection to any one.

Mr. F. M. Murphy, q.c. I appear here as counsel for the Chamber of Commerce. They are the representatives of the great commercial interests of this city, and they have now come forward on any public occasion to interfere in politics. They consider this Bill is an attempt to derange the commercial interests of Dublin. I understood that this day was specially fixed, that you might learn what course the Chamber of Commerce wished to take respecting the Bill, and I will at once direct your attention to that part of it which they wish to oppose; I mean the markets, and any interference with them.

Mr. O'Hea. The schedule of fees respecting them it has now been determined to leave out, and they are struck out of the Bill accordingly.

Mr. Murphy. I wish to know distinctly from Mr. O'Hea whether or not they mean to enforce the provisions about the markets in the Bill?

Mr. Hayward. You may consider that it has been stated on the other side that the markets of Dublin are in a bad state.

Mr. O'Hea. We mean to persevere in every provision of the Bill with respect to the markets, except those schedules.

Mr. Hayward. As to the transference of powers regarding the regulation of the markets, I have not anything to do with it; and all that you have to show is, that the markets do not require removal or alteration. Evidence has been given that the markets are at present inconveniently situated, and not well kept; but I do not think that affects your clients. I wish you to consider this question, namely, what is the state of local opinion as to the subject of the Bill; and it is very important to learn this from you, as representing such a body as the Chamber of Commerce; and I shall be obliged to you to convey to me so much of their opinion as will enable me to report on the matter.

Mr. Murphy. I now read from the Report of the Council of the Chamber of Commerce, at the annual assembly held on the 4th of March 1845. They are governed by four vice-presidents, James Chambers, Thomas Crosthwaite, John McDonnell, and Thomas Wilson, and by a council of 21 members, who are chosen from the entire body of the merchants of Dublin, and their duty is to superintend and guard the commercial interests of this city; and there cannot be shown any instance in which they have taken the slightest part in the political differences of this city. If the names of the council be examined, they will be found to be divided in politics about half and half equally.

The names are:

Joseph Boyce.

Peter Brophy.

Nathaniel Callwell.

F. A. Codd.

Francis Codd.

John Ennis.

James Ferrier.

B. Lee Guinness.

Charles Halliday.

B. Hamilton.

James Murphy.

T. L. Kelly.

Thomas Maxwell.

George McBride.

Edward McDonnell.

V. O. B. O'Connor.

George Pim.

George Roe.

William Williams.

John Windsor; and

Timothy O'Brien.

Whenever it has been sought to interfere with the commercial interests of the city of Dublin, this body have come forward strenuously to oppose the interference; and I am instructed to state that they would not come forward now if they did not feel that this Bill was in effect an attempt to restore the old monopoly of the former corporation, and to bring within the grasp of the present corporation all those monopolies which former legislation thought should be abolished; therefore alone it is that they now come forward to resist this meditated encroachment.

(A/ut

(After some other remarks, the learned counsel was about to comment on the part of the Bill relating to the Court of Conscience.)

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Mr. Hayward. I do not consider that we can regard that directly or indirectly; it is not within the scope of our inquiry.

Mr. Murphy. But it is in the Bill.

Mr. Hayward. There is a quantity of matter put into this Bill with which we have not anything to do. You appear here as counsel for a very important body, and it is quite right that you should be allowed a certain portion of time; therefore I will leave it entirely to your own discretion. I point out how I look upon it, and having said so much, I leave the matter to yourself entirely.

Mr. Murphy proceeded with his address, and mentioned the Corn Exchange as affected by the Bill.

Mr. Hayward. Does the management of this Corn Exchange take time?

Mr. Murphy. It does.

Mr. Hayward. And in proportion to the time which is taken, the time of the corporation would be taken up from other local matters.

Mr. Armstrong here stated that he appeared as counsel for the Corn Exchange committee, and that he expected that the remarks which he had to offer upon the Bill would be received.

Mr. Hayward. We have now been sitting for a very long time; I thought all the oral evidence had been already brought forward; but I understood that the Chamber of Commerce had entered their protest against the Bill, and I thought it right that they should be heard; to-day I fixed for hearing the reply of the promoters of the Bill. But even at this late period of the inquiry, if it appeared necessary, and if there were any valuable information to be brought forward, I would not refuse to receive it. But the same body whom you represent at this moment also represented by Mr. Murphy.

Mr. Armstrong. Then I request that you will take a note that I appear for that body.

Mr. Hayward. I will register on my notes that you appear for the directors of the Corn Exchange.

Mr. Armstrong. And they are not the same as those of the Chamber of Commerce.

Mr. Hayward. You appear to record the opposition of that body to the Bill.

Mr. Armstrong. And I wish to register with you the chamber which they obtained in the year 1815.

Mr. Armstrong here handed in the following list of the names of the directors of the Corn Exchange for the present year 1847, 15 in number:

James Brennan,	William English,	Joseph Hene,
Leland Crosthwaite,	John English,	John Jernston, jun.
Francis Codd,	B. S. Guinness,	Francis Pilsbury,
J. S. Colvill,	Samuel Glanville,	J. T. Wilson, and
John Darcy,	James Hougham,	Joshua Watson,
		Esquires.

Mr. Murphy. I am told that they mean to strike out the Schedule (F.), but where is the security that this will be done?

Mr. Ford. You have as good security as you can desire.

Mr. Hayward. I understand that the clauses which authorise the taking of tolls are to be struck out?

Mr. Ford. They are to be struck out, clauses 157, 158, and 159, and the council are to be empowered to frame new schedules of fees, which are to be subject to the approval of the Lord Lieutenant and council, whenever new markets are made.

Mr. Murphy. And now I call your special attention to this fact, that from the beginning to the end of this inquiry, the promoters of this Bill have not submitted to the court the slightest plan or project for making new markets; they have not examined a single person of science on the subject; they have not produced a man of practical knowledge or commercial experience; and that they have not suggested a single site for a new market, as sought by this Bill; they have rested their entire case, as they do in their Bill, on the simple recital of its being expedient.

Mr. Hayward. At the very beginning of this inquiry I suggested what effect I thought that would have.

Mr. Murphy. Nor have they handed in an estimate of their projected expenditure. And now, gentlemen, having called your attention to these facts, I think I have done that duty which I had to perform.

I now wish to offer a very little evidence as to what is the mercantile feeling in Dublin with respect to this Bill. Mr. L. Crosthwaite comes forward summoned here to give evidence on that subject, and he will not occupy a quarter of an hour.

Mr. Hayward. If that be so, you may examine Mr. Crosthwaite.

Mr. Ford. Yesterday I stated that I would wish to go into evidence as to the state of the markets, and you stated that you would not allow any further evidence to be gone into after yesterday, except documentary evidence.

Mr. Hayward. I stated yesterday morning that I would devote that day to hearing all the remaining oral evidence, and at four o'clock there was then plenty of time. I asked if there was any more, and I was told there was no more; and now, unless Mr. O'Brien, on the part of the promoters of this Bill, consents to this evidence being received, I cannot admit it.

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Mr. O'Hea. On the part of the promoters, I do not wish to shut out any evidence which can throw light on the matter, and if *Mr. Murphy* says that this evidence will not occupy above a quarter of an hour, I cannot object to its being received.

Leland Crosswhite, Esq., sworn; and Examined by Mr. Armstrong.

Mr. Armstrong. Are you a corn merchant in the city of Dublin?

Witness. I am chiefly so by being concerned with extensive mills in the interior of the country.

Mr. Armstrong. Are you not a deputy-lieutenant of Dublin?

Witness. I am.

Mr. Armstrong. Of what politics are you?

This question was objected to as irrelevant.

Mr. Armstrong. It is part of our case that persons of all politics are equally joined in opposing this Bill.

(*Question repeated.*) I voted for Lord Morpeth, and I would do so again, if that be a sufficient answer to your question.

Mr. Heywood. Have you had any means of becoming acquainted with the opinions which are entertained in the city generally with regard to this Bill amongst the commercial classes?

Witness. I have; I mix with a great proportion of the commercial men in this city.

Mr. Heywood. And what do you think is the opinion generally entertained by the city with regard to this Bill, and chiefly with respect to the promotion of local improvements by it?

Witness. The mercantile classes are, in my opinion, decidedly hostile to the Bill.

Mr. Heywood. Do you think that they are decidedly adverse to having the powers, which are now vested in the paving board, the wide-street commissioners, and other bodies, transferred to the corporation?

Witness. I first state that I am one of the directors of the Corn Exchange; I am of opinion that they are opposed to having those powers so transferred.

Mr. Heywood. Do you now speak generally, without reference to the political opinions of different men?

Witness. I do. I speak as to the opinions of the great preponderance of the mercantile men of the city, though there are some of course who entertain a different opinion. I think that the great mass of the intelligence and respectability of the city is adverse to the Bill, and that is the opinion of those in whose judgment I would place confidence as to what I would consider is for the welfare and good of Dublin; they are decidedly adverse to it.

Cross-examined by *Mr. O'Hea.*

Is there a man in this city satisfied with the present system of local taxation?

Witness. I was not aware, till this Bill was got up, of any complaints on the subject generally; I think there is not any community in which there are not some persons dissatisfied.

Mr. O'Hea. Were not the complaints general, before this Bill was brought forward, as to the system of local taxation in Dublin?

Mr. Heywood. The Board which appears to be the worst managed, is the Paving Board; but as to general complaints of the taxation, have you heard any?

Witness. I cannot say that I have; I may have heard half a dozen things in the course of a day, and certainly the paving tax is very high; I may have heard complaints of it.

Mr. Heywood. But did you hear any general complaints made of the taxation?

Witness. No doubt the taxes are heavy in Dublin.

Mr. O'Hea. Did not the majority of the inhabitants generally often and often complain of the system of taxation in Dublin?

Witness. The taxation of Dublin is very heavy, but until this Bill was started, I did not hear them.

Mr. O'Hea. I ask you as to complaints of the system of taxation.

Witness. The taxation is extraordinary heavy, and I think it is very important that it should be kept low.

Mr. O'Hea. Is not the general feeling of the class amongst whom you move, that consolidation of the taxation of Dublin would be of advantage to the citizens?

The witness delayed answering.

Mr. Heywood. They say generally, "We think there are good grounds for reform in the taxation; but you are not the body in whose hands the taxation ought to be placed."

Mr. O'Hea. I want to get from the witness that a consolidation of the taxes is required; is that, sir, the opinion of those classes in which you mix?

Witness. I have not discussed the subject with them; I believe that good might come from the consolidation; and also that a great deal of evil might come from it; and I believe that to be the opinion of the different people with whom I converse, and I give that as their opinion, which I now repeat.

Mr. Murphy. Is that the general feeling of those amongst whom you converse, that no matter what consolidation might take place, the corporation is not the body who should have the management of the taxation.

Witness.

Witness. The general feeling is decidedly against their having it.

Mr. Charles Clusson here appeared with a summons. I have been summoned here, and wish to be heard. I am the only proprietor of a public weighing-machine in Dublin, and which I have had in public use for 19 years. I have checked both the old and the new corporation in several instances. I have checked frauds over and over again in both those corporations. Mr. Ford prevented me coming forward here before to protect my interests. I met him in the Chamber of Commerce, and I asked him if they would be interfered with, and he said they would not, and relying upon that, I did not come forward here.

Mr. Hayward. The only reason why I cannot allow you to be examined is, that the oral evidence has been closed, and that the particular topic in which you are interested has not been touched upon.

Mr. Clusson. I only wish to put forward here distinctly, that I am in intercourse with hundreds and thousands of people in Dublin, and that there is not an individual I have ever conversed with who would intrust the new corporation with the powers which they now seek.

Mr. Armstrong. Before Mr. O'Hea proceeds with his reply, I wish the commissioners to take down on their notes that we have several witnesses ready, Mr. Clusson and others, to prove that new markets are not required in Dublin, and to be examined on other subjects also.

Mr. Hayward. I cannot help saying that we have not now time to go into these questions. I will take down upon my notes that witnesses were offered for examination as to the markets, to prove that new ones are not required, nor alterations in the present ones.

Mr. Ford. And if they were admitted, I have witnesses to prove the contrary.

Mr. Hayward. Then I will take it down, that witnesses, as to the markets, have been offered on both sides, and that at this stage of the inquiry I could not receive them.

Mr. Ford. Will you and Mr. Brassington go yourselves through the markets, and form your own judgments as to whether or not they require alteration.

Mr. Hayward. Will you leave it to Mr. Brassington, on both sides, to go and inspect the markets, and let his opinion be taken upon the matter without calling witnesses, and agree that the passages in the Report shall accordingly be either that the markets do or that they do not require alteration.

This proposal was assented to on both sides.

Mr. Hayward. We will not now hear anything more except Mr. O'Hea in reply.

Mr. O'Hea was then heard in reply.

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